

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

July 28, 2010

Chairman David Pruett called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. ROLL CALL

Commissioners Present

Commissioner Anest
Commissioner Camerota
Commissioner Casasanta
Commissioner Hall
Commissioner Pane
Chairman Pruett
Commissioner Schatz
Commissioner Aieta
Commissioner Carragher
Commissioner Lenares

Commissioners Absent

Staff Present

Ed Meehan, Town Planner

II. PUBLIC HEARINGS

- A. PETITION 13-10 – Zoning Regulations Amendment, Section 3.11 Special Exception Permitted in B Business Zone and Section 3.19 Special Exceptions Permitted in PD Planned Development zones to permit “auto related uses such as, sale, service, rental and repair of motor vehicles by Special Exception subject to compliance with Section 6.11 of these regulations” Wex-Tuck Realty, LLC applicant represented by Attorney Vincent F. Sabatini, 1 Market Square, Newington CT 06111. Referral to Capital Region Council of Government and Central Connecticut Regional Planning Agency required.**

Attorney Sabatini: Good evening Mr. Chairman, Members of the Commission, my name is Vincent Sabatini, I'm an attorney, 1 Market Square, Newington, Connecticut and we are back again on the public hearing, this is the third go around. Let me start out by saying that on July 20th, I did submit a package of documents with a covering letter to the Planner and I asked him to circulate it to all of you so you would have had it to review before tonight's meeting. In those documents there were two main points that I wanted to make. Number one is that, like every other petition that is before the Commission, you have discretion to adopt the petition as presented and/or make whatever changes you think are necessary or approve certain parts of it, or put conditions on the approval, so I tried to give the Commission some options that if they were concerned about restoring the auto uses in all of the zones, that they really didn't have to do that but they could amend the petition and restore the use only in the Planned Development zone, for example or for whatever other zone they

thought necessary. Also, I tried to show to the Commission that they don't need to adopt the petition so that it indicates all related auto related uses. That if you just want to limit the auto related uses to sales and repairs, you can do that. You don't have to have it so that there are gas stations there, body shops, things of that nature. Again, that is up to you. You have that discretion. I wanted to also bring up to you the fact of what Firestone is. I submitted more information on what Firestone is, and I wanted to do that, I know that is not part of this petition, but I wanted you to see what is going on so that we're not reviewing this in a vacuum because I do have an ulterior motive. I'm not just here asking that auto related uses be restored as an exercise in zoning, I'm here because I have a client who ultimately wants to apply. I want to share with you the fact that in the document that I submitted I showed you what a Firestone building can look like. I gave you some statistics as to the size of the building, the type of operation that they are involved in, number of employees that they would have, what they would add to the tax base of the town, the fact that they need a general repairers license, not a dealer's repairers license because all they do is sales and service on their, in their operation and this operation is going to be a company owned store, not a franchise store. I think that, I also want to point out to you that the Town of Glastonbury, they recently approved a Firestone similar to this, on Main Street, where their Home Depot is, and that is in a regular business zone. The Town of Bloomfield, a Firestone was approved at the Copaco Shopping Center, and West Hartford has auto related uses on Park Road. So these surrounding towns have found that not all auto related uses should be banned in the town. I think the important point that I would like to make, leave the Commission with is this, that by banning the uses everywhere you now have eliminated all options. Wouldn't the Commission be better served by retaining the use and looking at the applications on a case by case basis so that if you have somebody like a Firestone that comes in you can at least look at it and say, is this something that the Town needs, is this going to be a good citizen for the Town, not be in a position of ignoring it completely because the regulations don't allow you to have it. So that is the main point, and I submit to you that in 2007 when you look at those minutes, that the Commission didn't really talk about the ramifications of what they were doing. They focused on the B, Business Zone and I can understand that. There were corner gas stations, who wants those? Probably nobody. But they didn't even really mention Planned Development zones and stuff like that and this I think comes under the theory called the Law of Unintended Consequences, you do something, and you think you are doing something good, but you don't really understand what happens. And the way that these zoning regulations are worded in Newington, the way they are set up actually, is that they are cascading regulations so that the uses start in the business zone, and they are incorporated by reference in every subsequent zone, so you don't have each particular zone having its own particular use. I think what happens here, by eliminating business, you automatically eliminated BT, and Planned Development and I don't think that was what the intent was. I want to share with you what a problem that is. This is now, these properties are going to become non-conforming uses. I have a 2003 Appellate Court Case where a, neighbors appealed a restaurant owner who became a non-conforming use, he wanted to change the stripping of his parking lot, and the court said, you can't do it because you are exchanging your non-conforming use, and you are prohibited from doing it. If you look at your regulations, 5.1, here's what it says. It is the intent of this regulation to permit these non-conformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this regulation to be incompatible with permitted uses in the zones involved. It is the further intent of this regulation that non-conformities will not be enlarged upon, extended, or expanded because such a change increases the non-conformity or the use as grounds for adding other structures or uses prohibited elsewhere in the same district. It says here in the regulation that whenever a non-conforming use, 5.1.4, has ceased for a period of twelve months, so if I have a business, auto related use, if I own a building and I rent it to a guy who is using it for auto related uses, and in this economy, goes out of business, and twelve months goes by, I can't rent it, the building department can come in and

say, you no longer have an auto related use. That's not right. If my structure is damaged, 5.1.5, by fire, and it is less than fifty percent of the fair market value, that's it, my business is gone. Now, I had somebody pull, I want to submit this for the record, probably have more, but, these are all of the auto related uses in the Planned Development Zone. There are some ten properties valued at over twelve million dollars. These uses have become, after 2007 became non-conforming uses. Properties where people have invested up to some millions of dollars. I have one of the clients, people here on Kelsey Street where five buildings are affected. There is over eight million dollars worth of property that have now become non-conforming. That means he can't make any changes. If he loses a tenant, twelve months goes by, he loses his auto related use. He may want to go back to the bank and try to get refinancing. Could be a problem. No longer a permitted use in town. Zoning requirements are an important thing for commercial financing, people who are in business know that. You have to have your lawyer send a letter to the bank telling them this is the zone, and the underwriter is looking at the letter, he says, but it's not zoned for auto related use any more. I'm not going to give you a loan. I mean, this is the problem, I don't think the Commission in 2007 intended this to happen, but this is what we have. It's the Law of Unintended Consequences, and I would ask the Commission again, that it would seem to me, oh, one more point I would like to make, in my opinion the reason why when you go to cities, New Britain, other industrial cities, you see a lot of blight, the reason is, you have a lot of non-conforming uses. They change the zone, the owners of these properties do not have an incentive to keep the properties up any longer, because they can't really do anything, so the property deteriorates and you have blight, and this is what you have. You can't let that happen, and the fact that you say, I no longer want the use, create non-conforming uses doesn't mean that these uses go away. They are going to be here, they probably are going to come back to haunt you. So, my point is, I think the Commission, I would respectfully request that you think about this, giving yourself options. The option to say, is a Firestone good for the Town, is it not good for the Town? Without the use there, without that option, there's no chance that you would come to bat, so I would ask you to please look at everything I submitted, the things that I talked about, and hopefully I have answered every question, if there are any more questions I would like to answer them now, you are going to close the public hearing tonight, and I'd like to make sure that there is no more information that I can give you, but if there is, now is the opportunity for me to try to do it. Thank you very much for your time.

Chairman Pruet: Thank you. Ed, staff report?

Ed Meehan: Just briefly. The Commission asked that the record of the 2007 changes which the Commission made, comprehensive changes to the zoning regulations be prepared, and they were sent out with the packet, which is before you, numerous references to sections relating to auto related uses. I would just say I think the Commission members knew what they were doing, I'm pretty sure they understood their intent. Some members here were on in 2007 so they can speak for themselves. I believe they were following the directions or the guidelines of the Plan of Conservation and Development at the time, and the intention was to reduce the number of auto related uses over time and not harm the ones that were in existence. At the time of the adoption there were sixty to sixty-five auto related uses that I can think of, off the top of my head, that are very active and then there are many more businesses in town that have DMV licenses that aren't necessarily open to the public, but they do have licenses. What the Commission did, as Attorney Sabatini pointed out, they took it out of the B zone and then it fell into other zones in the regulations, but consciously changed the Industrial Zone, because the committee that worked on these regulations for the public hearings, was that, that's where they wanted to put auto related uses in the Industrial Zone. So, you can't put conditions on zone changes. If you adopt the suggested wording, you can't put conditions on it. Subsequently you could put conditions, if they are fair and

reasonable and they are in your regulations on a special permit or special exception, but not on a zone change. I think the language before you would open the town back up to auto related uses if the Commission feels to do that, because when you talk about services, is that gasoline sales, is that rental cars, is that a car wash? These are all of the things that the Commission had talked about in the subcommittee. It may not have showed up in all of the public hearing records, but the general generic thought of the Commission I believe at the time, if it's not listed, not permitted, we don't have to deal with it. I think that was the strategy that was taken at the time. So the point that Attorney Sabatini makes about non-conforming uses is well taken, that's obviously going to be an issue, but I think, we had a couple of auto related uses come before this board in the last four or five months, where there was an existing established auto related use, it had a license in place, it had a DMV records in place, one on Pane Road, and another over on Richard Street and the Commission did their homework on that and they permitted those to continue. So, I don't think it is quite as dire as was presented. This is a policy issue, it's looking again at your Plan of Conservation and Development, and beyond the particular site that has been mentioned, is the whole geography of the PD Zone, and this is a new change? You want to narrow it down to the PD Zone?

Attorney Sabatini: What I want to do is give the Commission an option. I'm not really talking about a condition, I'm talking about an option. If the Commission says, okay we don't want to have auto related use in the B zone, I think they are free to say, we'll amend the petition and just have it in the PD Zone, or in the BT-B zone. They have the option to do that and I think you can agree with me on that, it's not a condition.

Ed Meehan: You are offering two amendments, two choices

Attorney Sabatini: I'm giving them choices, they're not married to the original petition if there is a problem with the B zone. Again, I only did the B zone language after I met with you Mr. Meehan and we tried to come to language that was initially originally in the regulations, but we're not married to that. If the Commission feels that, yeah, we don't want a gas station on every corner, and the B zone is like that, we don't need to have the B zone. That's not a condition, that's just an amendment to the language. Again, if the Commission says, auto related uses are fine and the sales and services, limited to what a Firestone does, you can do that. You don't have to have gas stations body shops, places like that. With all due respect, I don't think by allowing that 6.1.1, which is state mandated language for location of gas stations, that that's not a savings for us. That is required by the statute that says if you want to locate a gas station the local zoning authority has to give approval. I think you took that away from the ZBA, the ZBA used to have that, and you guys took all that jurisdiction which is fine..

Ed Meehan: The legislature was changed.

Attorney Sabatini: It was changed to allow you to do it, and that's fine, if you wanted to have it all here before the Planning and Zoning Commission, I'm not looking for conditions. I'm just thinking that, is it fair and reasonable for the town to keep its options open under certain conditions so that if a Firestone, somebody like a Firestone comes into town, they have at least a shot to come before you and let you know what they are doing. It doesn't mean you have to approve anybody. They are all special exceptions, and they all have to have certain requirements. They have to be so many feet away from a residential zone, from a church, they have to have a side yard, they can't store anything outside, there are so many conditions that you have the authority to check that you probably eliminated ninety-eight percent of the sites in the town anyway with the way that the regulations are, but I'm just thinking, to throw away a good factory owned site, and I'm not saying Glastonbury or whatever, but they have it

there, beautiful building, you can take a ride by it, other places, Bloomfield, look at the buildings, and you say, gee, do we give this up or not, do it on a case by case basis.

Chairman Pruet: Thank you. Okay, Commissioner comments?

Commissioner Pane: I think Attorney Sabatini has some very valid points and I'm very concerned with what the Commission did on these zoning regulations. I think, I can understand, after reading the minutes, I can understand why they wouldn't want them in the B zone, in the neighborhood business area. But this Commission has the most control on this type of auto related uses through special exceptions. What I think a lot of this, previous Commissioners and some of the new Commissioners have lost is that under special exception it's not automatic, and some Commissioners were thinking that it was automatic, that we have to approve something. Under special exception, it has to be special. It has to be above and beyond and meet all our regulations and if doesn't then we have the right to deny it. So, they have all the power that they needed to prevent these things from going on in the business zones, but they were concerned about them, and I can understand why, and I'd like to keep them out of the business zones and the small neighborhood zones, and I think, and those are the areas that they talked about in the minutes. I think that is important, to keep them out of the neighborhood business zones, but in the PD Zone and the Berlin Turnpike, I don't see a problem with it, and I think that there are some valid points that the attorney has on how it affects property owners and the value of their property, and I'm very concerned with it and I think that if it is put back into the regulations we have a lot of control over it through our special exception and that's how I feel about it. Thank you Mr. Chairman.

Chairman Pruet: Further comments from Commissioners? This is a public hearing, any body from the public wishing to come forward and speak in favor of this petition?

Roman Putopowicz, 180 Kelsey St., Newington, Ct: I own quite a bit of property on Kelsey Street and I am in favor of restoring the auto related use because if this was to change as Attorney Sabatini mentioned, this could create a big problem for me, I own the property and the buildings which I own, that are mostly auto related, so that being said, if this would happen, I would lose some of the property, wouldn't be able to rent it out and get revenue and would be out of business, therefore I am in favor of restoring it.

Chairman Pruet: Thank you. Anybody else from the public wishing to speak in favor of this petition? Anyone wishing to speak against this petition? Okay. I think we have sufficient, this has been the third time on this, I think, I'm in favor of closing. Everybody in agreement? We will close this and move it forward on the agenda.

B. PETITION 19-10 199 Deming Street, golf driving range property Sphinx Shriners AAONMS 3066 Berlin Turnpike, Newington owners, Alan Bongiovanni, 170 Pane Road Newington, CT applicant request for Special Exception Section 3.19.2 Residential Use, 60 Units PD Zone District.

Alan Bongiovanni: Good evening Mr. Chairman, Members of the Commission, Staff, if you recall at the meeting two weeks ago, we made I think a very lengthy presentation of our request for a special permit to allow residential use in a PD Zone on this parcel on Deming Street. At that time, there were a couple of outstanding issues, that we have since worked on and I'm here to report the findings. The two issues as I see them were, one, Sharon Lacoda, a neighbor thought that possibly that our traffic counters were not in the proper location at the proposed site driveway. Our traffic engineer, F.A. Hesketh since the last meeting did new counts. The employee who had done the work at the time is no longer with them, couldn't verify that it was done in the right spot, so they redid it. They found, I'll have Scott Hesketh

talk about their second, I think the speed increased about two miles per hour from our written report that was submitted, but I will have Scott talk about that. Then the second issue was the internal driveway and the width of that driveway. I met with staff, I met with the Fire Marshal. At the last meeting I had presented a drawing that showed the geometry of the road similar to this drawing here, at twenty-four foot width and what is in red is the actual fire truck, our largest ladder truck in Newington, traversing the site. At that last meeting Mr. Hesketh stated for the record that twenty-four feet is adequate. We believe twenty-four feet is adequate, the Fire Marshal when we showed the twenty-six feet, is more comfortable with that, it's going to be a decision on the Commission's part, twenty-four or twenty-six feet. We feel twenty-four feet is in more keeping with the low impact development. It speaks to reducing waste and resources, less global warming, less impervious area, but that is a decision that the town has to make. The staff has made a report, the Fire Marshal has made a report that he wants twenty-six feet, we will do that if it is your choice. But, for the record, we think twenty-four feet is adequate. Having said that, I think that's the issues that we need to talk to. Scott, if you want to come up and talk about the speed counts and then we would be happy to answer any questions that you might have.

Scott Hesketh: For the record, Scott Hesketh, licensed engineer with the firm of F.A. Hesketh Associates. We went out and had a new counter installed at the location at the proposed site driveway. We got some new counts for you, I'll hand out two copies just for the record. I don't think everyone needs one, but you can put those into the file if you like. At the last hearing we reported that the traffic speeds which we recorded the eighty-fifth percentile speeds were 39 miles per hour in the northbound direction and 37 miles per hour in the southbound direction. The new counts show 41 miles an hour in the northbound direction, two miles an hour faster, and 42 miles an hour in the southbound direction, five miles an hour faster. The original counts were conducted here, people are coming down the hill, around the bend were not going as fast in that location. As they cleared the bend, they were able to speed up along the straight away so the speeds here were slightly faster, and they were coming down the hill, they were going a little faster but slowing down as you come to the curve and that is why the speed on the curve is a little bit less in that direction as well. We believe that the sight distances for the site driveway, for the southbound traffic, when you recognize the speed of the vehicle coming down there at 37 miles per hour, a sight distance of, provided for that speed. The way that sight distances work, you are sitting in the site driveway, you notice the vehicle coming, you make a decision as to whether or not you have enough time to get out of the driveway. You make a right hand turn, you are supposed to be able to come out of the site driveway and accelerate to the speed limit while the vehicle coming toward you decelerates to ten miles per hour below the speed that they are going, and then they are not supposed to impact you. This is how the sight distance is determined, okay, so, as you are sitting here in the driveway, you see the vehicle coming, as you pull out and begin to accelerate, in this direction, this vehicle should have enough time to decelerate, without using the brakes, take his foot off the gas, he should be able to slow down ten miles an hour and then follow you at a safe following distance down the main roadway. That is the way that the sight distances are set up so, when you are looking at a sight distance from the driveway, you are looking for that side, the speed of the vehicles going at the time that you recognize them is the appropriate distance. We believe we have the appropriate site distances for the speeds that we have recorded out there, if we need additional sight distances I understand that we can get an easement from the adjoining property owner if need be. We think we have the right sight distance, we will be going again to the State Traffic Commission for their review. Just so the Commission is aware, the last time the state issued a certificate for this particular site they approved a site distance of 390 feet for the Sphinx driveway. We've got a minimum of 430 feet in one direction and 475 in the other, so we believe we have more than enough sight distance for that driveway. Again, if the DOT decides additional sight distance is needed, then we believe that we have the ability to gain

easements from the adjoining property owner, if need be. So we believe the driveway is properly located with respect to the speeds on the roadway.

Alan Bongiovanni: I think our presentation for this portion of the project is complete. If you have any questions, I'd be happy to answer them.

Chairman Pruet: Staff comments?

Ed Meehan: Thank you Mr. Chairman. I have no comments on the traffic report, I'm glad it was redone at the location of the proposed site driveway. I do want to put in the record that the Fire Marshal and myself and Alan and the town engineer, Tony Ferraro met and then subsequent to that Mr. Bongiovanni met again with the Fire Marshal and the Fire Marshal's recommendation to have the road be at least twenty-six feet wide. That additional couple of feet in his opinion is safer and for his equipment will be adequate.

Chairman Pruet: Thank you. Commissioner comments?

Commissioner Aieta: The site plan that you have up there now, that's twenty-four feet road, right?

Alan Bongiovanni: This is a revised site plan from what I presented the last time, I should probably put the other one up there, this shows twenty-six.

Commissioner Aieta: So you made the adjustments to the building lines and everything else and took a foot of each side of the front yard?

Alan Bongiovanni: Yes.

Chris Nelson: I'm sure you remember me, we are the developers who are going to be building this. We are also the developers who, I think I referenced Bradford Walk in Farmington. We have 160 units in Farmington, going through that road system, twenty-three foot roads, not twenty-four, we have had zero problems. It encourages slower traffic, there is less snow to take care of, there are no safety issues as far as fire apparatus. We actually end up with more green space, less pavement. It's just a much, much nicer feel, and actually goes to the desirability of the community. I personally can't see the logic in wider roads. It's just a waste of, it's a waste of resources, yes, but it makes a less desirable community for the people who are going to live there. It encourages parking on the side of the road, which is a bad thing. We don't want that.

Chairman Pruet: Thank you. Commissioner comments? Okay, it's a public hearing, anybody from the public wishing to speak in favor of this petition, anyone wishing to speak against this petition? What is the pleasure of this Commission to move this forward? Okay, we are going to close this petition and move it forward. Thank you.

C. PETITION 27-10 – 44 Fenn Road, Stop and Shop Plaza, Hayes Kaufman Newington Associates, LLC applicant and owners, contact Richard P. Hayes, Jr. 1481 Pleasant Valley Road Manchester, CT 06042 request for Special Exception, Section 6.2.4 replace existing pylon sign, PD Zone District.

Richard Hayes: For the record, Richard Hayes, 1481 Pleasant Valley Road, Manchester, Connecticut, partner, Hayes Kaufman developers. Based on what I guess was submitted the last time, I only have three very short comments to make tonight. First, the property has

been posted, since the previous meeting and the application complies with your regulations as outlined in the staff report by Mr. Meehan, and we did follow up on both Commissioner Aieta and Commissioner Pane's request, and after further consideration we agree with that, so we have now signed a contract actually, my property manager has, to take down the five canopy trees along Fenn Road. So, that should have been done this week.

Commissioner Pane: We didn't say to take down the trees, excuse me Mr. Chairman, I apologize, but I have a comment when he is done. Thank you.

Richard Hayes: Well, maybe I misunderstood, I wasn't here at the last meeting, so I apologize, but I guess there was some discussion about the trees and the canopy on the trees, so we went down there, we looked at them, and they do, they affect the sight line of the signage, so we put a contract out to remove them. I don't know if it has been done yet, but I thought we were pretty clear on that, if I'm mistaken, I'm certainly glad to hear the correction.

Commissioner Pane: Mr. Chairman, through the Chair, we talked about this the last meeting and what we basically said, and I'm ninety-nine percent positive that we spoke about trimming some of the lower branches to help the sight lines, we did not say, talk about taking any trees down, we definitely talked about trimming, I think my other Commissioners would agree. Thank you.

Commissioner Aieta: One thing, we talked about was some trimming on the interior of the lot, because you can't see the building, you can't see the signage on the building, we talked about you know, with these developments you know just as well as we do, probably better, that after ten years or so, the trees that planted are overbearing for the site. So they have to be trimmed back, or they have to be trimmed on a regular basis, to keep them in miniature size so you can see the signage and see the signs, but we don't want any trees removed, we just wanted to see them trimmed back, especially the ones on Fenn Road.

Richard Hayes: We didn't do anything to the ones on Fenn Road, but in the past two years, both the spring of 2009 and this past spring, we had a two stage contract to replace all landscaping in that shopping center. We've done that, and all of that landscaping that you see down there is brand new. Essentially, after twenty years, we absolutely agree with not only doing it here, we've done it in seven other shopping centers in the past four years and the reality of it is, the interior trees get too large and too over burdensome, it's time to remove them. Those canopy trees in the front, are now fifty-five feet high, and when you look at them and say, well they were planted as four foot trees, and they are now fifty-five feet high, I don't know that that was the spirit in which they were originally approved. Now, I apologize if there was a misunderstanding, or miscommunication. I was led to believe that there was discussion about the canopy being lifted on the trees, and we had done that. We do that every year. We comply, I submit to you that we are probably one of the better landlords for maintenance standpoint in this community. Some of you may disagree, I don't know, but if there is something down there that you think is amiss, I would like to hear about it. We spend a lot of money down there on landscaping every single season, so I'll apologize and if the trees haven't been removed I'll certainly talk with the contractor and tell him to wait, but they are certainly not in the spirit of the original approval now, fifty-five feet high. They don't only intrude on the sight line of the shopping center, they intrude on the sight line of the roadway as well. So as you are pulling in and out of there, it's challenging to see around some of those trees. If anybody disagrees, I would be happy to hear about it.

Chairman Pruet: Ed, staff comments?

Ed Meehan: Relative to the sign, which is illustrated on the wall, the proposed new sign complies with your zoning standards for height and area. It also will afford a small balance of signage remaining for this plaza, an additional wall sign would probably be used in this case and the sign is somewhat, I'll say, up to speed with your regulations or your desire as far as having the brick base and a sense of a stronger presence on the site with this new sign, so those are my remarks as far as the application before you.

Chairman Pruet: Additional Commissioner comments?

Commissioner Schatz: Yeah, on the trees, they are at least that round, on the base, they are ten to twelve inches.....

Richard Hayes: Seventeen.

Commissioner Schatz: Oaks, as they grow up have a tendency to, some of the lower limbs will die off, and those you trim off. I hope the applicant didn't think by taking them down, it had something to do with the petition. Because if he wanted to put the brand new sign up and put trees all around it and cover it, that's his business, it's not ours. We don't have jurisdiction over what he puts around his sign. Taking the trees down would be a shame because Fenn Road had at one time, such a dense canopy all of way down, it was beautiful. That's when I was a little guy.

Chairman Pruet: Okay, the record stands that we do not recommend the trees be removed, but to be trimmed. Additional comments:

Commissioner Lenares: I just want to further what Commissioner Schatz just said and to also defend what Commissioner Pane and Commissioner Aieta might have said in the last meeting. I don't really think they said to cut them down, I think they were offering their opinion to maybe beautify the plaza, but to defend Mr. Schatz's comments, if Mr. Hayes, the owner of the property wants to, once his sign gets in, if he wants to put dogwoods in front of it, and cover the whole thing, unless I'm splitting the tax bill with you, then I don't think I have jurisdiction or my opinion should be considered whether you do that or not. It's rightfully your opinion to cover your trees or to cover your sign as long as there are no infringements into the site or the roadway and it's not a safety issue for the town. I think the sign looks good, it obeys what the regulations allow and as far as anything else, I think everything else is pretty good.

Chairman Pruet: Okay, this is a public hearing.....

Commissioner Pane: Mr. Chairman, I think a couple of the commissioners are losing sight here that even though this is his site he can't just go in there and blind cut the roadway trees. If you recall when he wanted to take down a couple of trees over at the center of Newington he came in and he asked permission and we gave him permission on what ones he could take down. So, I think you are losing sight, you just can't clear cut all the street trees on the entrance way, and my comments last meeting was that basically just trimming some of the branches, lower branches would give some better sight for some of his tenants, not any comments on it would beautify it or anything because it is a beautiful site as it is. It's a nice, well kept site, but all I said to the representative that was here is that if some additional trimming was done then maybe the tenants would pick up a little bit more sight of the signs. Thank you Mr. Chairman.

Chairman Pruet: Okay, this is a public hearing, anybody from the public wishing to speak in favor of this petition?

Rose Lyons, 46 Elton Drive: I wasn't coming here tonight to speak on this but I just had a couple of comments that I would like to make. I do think that Mr. Hayes's company does keep up their properties, from what I can see. I am down at Stop and Shop quite often. My comment to this new sign is that I hope that some of the businesses that are in that plaza will be advertised on that particular sign. I didn't know that there was a Verizon wireless store there until about two months ago, and apparently they have been there for a year. I know that I saw the small, little sign when I pulled in the other day. I would be in favor of this, no matter what he is going to do with it, cleaning it up and I think the new sign is great, and should you like to buy another piece of property, Northwood Plaza is available.

Richard Hayes: So I have heard.

Chairman Pruet: Anything else from the public? Anyone wishing to speak against this petition? I think we are going to close this.

D. PETITION 26-10 – 158 Brookside Road Dawn and Daniel Butler 158 Brookside Road, Newington, CT 06111 applicant, Daniel Butler owner request for Special Exception, Section .13 Accessory Apartment, R-12 Zone District.

Chairman Pruet: If the petitioner is here, step forward please and state your name and address for the record.

Dawn Butler, Daniel Butler, 158 Brookside Road, Newington: We are asking for a special exception for an accessory apartment, an in-law apartment. My mother is the one who will reside in the accessory apartment while Danny and I and our children will reside in the primary residence. We have a zone map of the property available and it is a conforming R-12 zoned lot issued, December, 1961 and we have been the owners and residents since 1991. We are not going to be adding to the footprint of the exterior house, we will be converting the existing one car garage and connecting the family room to complete the apartment for a total square footage of 528 square feet. The principal residence will consist of 1160 square feet which works out to just over thirty percent of the total square footage for the accessory apartment. The bedroom area has one existing exit to the backyard, it also has a few steps up and a door to the primary residence kitchen. The bedroom also has access to the basement and laundry facilities. The kitchen area will have a door to the front of the house for easy access and maneuverability. My mom's knees have been bad, so we are kind of looking to the future. The architectural style of the home is split level, there are four levels, basement, ground, first and second and small attics above each of the upper levels. Each are separated by six steps. The only change to the exterior will be the removal of the garage door and replaced by an access door and window. You have pictures of the building, both before and after. The apartment will consist of one bedroom, bathroom, living room and kitchen, which is why we are here. The utilities will all be shared, with the primary, so one bill from each company, Connecticut Natural Gas, CL&P, cable. The driveway is two cars wide and two cars deep. My car will usually be parked behind my mother's because I go to work in the morning and she will schedule her outings during the day, while I'm away, and if I'm blocking her, I can just move my car or she can take my car. Please consider our request. Having my mother live with us helps us out with child care and living with us means that she no longer has to worry about the upkeep of a home, and hope to ease her into her golden years.

Chairman Pruet: Thank you. Staff comments Ed?

Ed Meehan: Thank you Mr. Chairman. There is a brief staff report I have prepared I did meet with the applicant when she was putting her application together, she did a nice job on giving the Commission the information that is needed in this case. As was mentioned this is a split level, and the floor plan lends itself to a very good internal connection between the proposed accessory and the principal structure which is the new criteria which the Commission has in your zoning regulations for accessory apartments. It meets all of your dimensional requirements with the exception of the thirty percent, it's slightly over by about 22 feet. I guess it would be how you measure the overhang on this if you wanted to split hairs. The floor plan as the applicant mentioned does necessitate a special exception because we have together now a proposed kitchen, bathroom and living room arrangement, whereas if you just put a kitchen in without a living room and a bedroom, you could have a separate kitchen and not require a special exception. The regulations now read that if you have a living area, with that second kitchen, it does require a special exception and that is the case in this point. I think she has given you the information that is needed for the Commission to review this, a sign was posted, my staff report contains a copy of the plot plan, which was mentioned and goes back to 1961, the house meets the setback requirements. I have also included a copy of the assessor's card, which shows the general footprint of the building and documents the applicant as the property owner.

Chairman Pruet: Thank you. Commissioner comments?

Commissioner Aieta: This is, this application has been done very well, and this is I believe why this is in the regulations, specifically for this type of a use, an in-law apartment. I disagree with the regulations when they say that is opened up for other people. The only thing that I would request is that this does not travel with the property. Can we put that kind of....

Ed Meehan: The regulations have the stipulations of a time requirement if the Commission so chooses and I believe it is not, let me just check, I think there is language, Section 6.13 is what we are talking about here, about the questions that Mr. Aieta has been asking and it reads like this, "if a time limit is made a condition of approval the special exception may be revoked for due cause after a public hearing. A request to renew the accessory apartment use or transfer to another property owner shall require a new special exception." So a subsequent buyer would have to come back if they wanted to continue to use this.

Commissioner Aieta: Okay, that answers my question, thank you.

Chairman Pruet: Any additional commissioner comments? Thank you, nice presentation. This is a public hearing, anybody from the public wishing to speak in favor of this petition? Anyone wishing to speak against it. Okay, I think we have enough information to close this and move it forward.

III. **PUBLIC PARTICIPATION** (relative to items not listed on the Agenda-each speaker limited to two minutes.)

Rose Lyons, 46 Elton Drive: Due to a prior commitment Maide Kenney has not been able to attend this meeting, but she did ask me to read this to you. "Not being up on the Town of Newington ordinance and rules regarding public displayed advertising, I'm not sure whether or not what I'm seeing as I drive down Main Street is in your regulatory parameters. That being said, among the seasonal tag sale signs and for sale signs driving down Main Street and Cedar Street I am able to locate by name and phone number a handyman and a home improvement company. I know where and when I can purchase beer, I know and for how much I can get an oversized sandwich, I know where and how I can purchase health

insurance. I know how to locate a rental agent, by name and number should I want to rent commercial property. And yet, there was only one sign on Fenn Road indicating that there was a public hearing, oh well, I don't know what it was on, where it was, or when it was. Yes, there was a phone number, if only I could find a pencil and paper and the light didn't change. There is readily available information plastered around regarding commercial ventures yet there is nothing about something that could potentially affect the town. The same situation occurred regarding a public hearing on the Cedar Mountain development. At that time I respectfully requested that more information be given on the sign, and they be placed where people could safely assess that information. The track record of this Commission has been exemplary, specifically providing ample opportunities for the public input on the 2020 Plan. I respectfully request that you consider increasing the size of the public hearing signs and provide readily acceptable specific information." Maide had written this letter and asked me to present it to you, and I went on to explain to her what the signs were all about because I had been at your meeting. She is aware of it now and understands it. She still is of the opinion that you probably should be able to keep these signs a little bit bigger, while signs are all around town, I was just on the Berlin Turnpike and where the new Chinese or Japanese, I don't know, some sort of restaurant, I never saw such big signs in my life. So if we can do that for the business owners, and maybe we can do it for the public so we can see what is going on. Thank you very much.

Chairman Pruet: Thank you for your comments Mrs. Lyons.
Any additional comment from the public? Anyone wishing to speak?

IV. MINUTES

July 14, 2010 – Regular Meeting

Commissioner Pane moved to accept the minutes of the July 14, 2008 regular meeting. The motion was seconded by Commissioner Camerota. The vote was unanimously in favor of the motion, with seven voting YES.

V. COMMUNICATIONS AND REPORTS

Ed Meehan: Mr. Chairman, two quick items, one is the letter to the Office of Policy and Management reporting to OPM, the Office of Policy and Management the town's Planning and Zoning Commission adoption of your 2020 Plan and satisfying the requirement that it was legally published noticed and recorded and the finding of the state and regional plan. This is important, first because of the OPM grant which helped us do this, but also it now puts us in good stead for hopefully approval of state discretionary funding. As you may know, several communities that had OPM grants did not meet their June 30th deadline requirements. OPM eventually extended them but, this Commission was able to do its work and get in as required.

The second item is a copy of the letter that you wrote to U.S. Postal Service regarding the mail boxes over at Lowry Place. Again, this is a (inaudible) I hope you take a chance to look at this. Mr. Pruet collaborated with some ideas on moving the boxes away from the driveway throat. We were able to capture some pictures of, I call it a three ring circus where a lady actually stopped in the driveway, another guy was coming in, another patron was driving out, and we took some pictures of that, we took some pictures of the existing mail boxes and some suggestions for relocating them to an adjacent island with a snorkel box to drive though, drive out, so hopefully this will get some attention and may see some action.

VI. NEW BUSINESS

- A. **PETITION 20-10 199 Deming Street, golf driving range property Sphinx Shriners AAONMS 3066 Berlin Turnpike, Newington owners, Alan Bongiovanni, 170 Pane Road Newington, CT applicant request for site plan approval residential development, 60 units, PD Zone District. Inland Wetlands Agency Report Required. Continued from July 14, 2010.**

Alan Bongiovanni: Thank you Mr. Chairman. Again, for the record, my name is Alan Bongiovanni, 170 Pane Road Newington, and I reside at 170 Barn Hill Lane. We just concluded a public hearing for the special permit on this, and presented the site plan at the last meeting. Several comments, some from staff before we got the site plan presentation, several comments from Commissioners that we took to heart and I think we have come a long way to tuning up the site plan, to address some of your comments and I'd like to just briefly and quickly go over those.

One of the biggest, or major comments that I think we received from Commissioner Anest, echoed by others, was the appearance of the four unit buildings. This is what we had submitted with the application, this is how we have revised it. We heard loud and clear, it looks like a row of barracks. We had about four hundred feet of straight line buildings, so we looked at the conditions that we have on the site, we were able to tighten the slope up to a two to one slope, still leave the three foot retaining wall, and kind of worked that with the grade and then that allowed us to adjust the façade or the plane of the building which we think it now flows better with the rest of the site. We appreciate the comment, we think it enhances the project. Along with that, there were a few comments regarding the architecture of the building. This is an enlargement, this is a twenty scale of that same area where the modifications were made, and I think it helps, you can see the sidewalks, you can see the separation of the driveway, you will also notice some roof peaks there and this is what we presented for building elevations and Brian and Chris spent considerable time with Jack Kemper our architect, and they came up with a different scenario, basically the same building, but they created a look so that it appears to be a two unit building like the rest of the site. They took the end units, wrapped the entrance to the side, so that you don't have four doors up there, two car garage is not unlike many single family homes, so you've got a separation here, you've got the two doors, and then you've got the appearance of two units like the majority of the site, as well as broke up the roof line so that the frontal view and the side view are broken up. We think, we hope that you will look favorably on that. We sincerely believe that these units are appropriate for the area. You know we are in a range of between 1400 for those units to about 1950 square feet. They are all on the same pallet. We're are not mixing 500 square foot apartments and 2500 or 3000 square foot homes. It's all in a relative range, that is going to make these all compatible and homogenous and allow us to offer to a wider cross section. These may be more attractive to the young professionals, where many of the other units may lend themselves to empty nest type. We are very confident in the product that we have here and we believe that it is a necessary component of the project in tough economic times. If we can't put something on the market that we believe will move....we hope that you appreciate that, like I said, we have put a lot of effort in thanks to Ron and Chris to come up with something creative that I think will address your concerns. They also put great care into lowering the eve heights so that your internal ceiling height is that high, but it takes some height away from the building. So, that addresses that. Some of the other comments we did go through our site design. We modified entry radius so that it will accommodate a twenty-four or twenty-six foot road, the emergency vehicles. The layout that is shown over here actually is at the twenty-six foot road width, we agreed with staff to do concrete curbs on both sides of the road, and Mr. Meehan's suggestion of project embellishments. When we talked about the site plan before we were uncertain of how we were going to treat the separation in the driveways. We settled on

stamped asphalt. It allows us to pave the area, while the paving is warm, they pack or tamp in a cable pattern, whether it is a brick pattern or cobblestone pattern, it dries or it pools and then they epoxy that area. It gives you, I gave some information on that, it gives you the brick look, cobblestone look, we think cobblestone will be the most suitable for the architecture that we have, but that would be in the separation between all of the units, the apron at the front of the drive, the front entry drive all the way to the back of the sidewalks and the cross walks where the sidewalk comes in and you cross over into the interior loop and then all of the parking for the mail kiosk. I think those are some of the major components. We have also looked at snow storage, this reflects where the snow could be stored on site, like a traditional neighborhood. The red areas depict the areas where snow could be stored. It will be distributed amongst the site. As the plows go through the site, they push it over on the side of the road, as they clear the driveways, they push it into the corners. We don't think this is any different than any of the other developments in town that have this type of housing, a more intense use than an R-20 subdivision, but it works. We believe that there is an adequate area to store the snow on site. I think that addresses the major comments. Ed, if I missed anything I would be happy to add it, but we worked hard, we have gone through the drainage comments with the Town Engineer, we will be presenting him with a new report tomorrow. The intent and the design of our drainage system is intact. He had some suggestions to, if you will, improve this system, some components of the system, but the system still calls for the same as we proposed, we will reduce the amount of flow from the site post development condition. I think that's it.

Chairman Pruet: Ed, your comments?

Ed Meehan: Just to follow up, we had a couple staff meetings since your last Commission meeting and I think we, the plan submitted tonight illustrates that the twenty-six foot road works, and doesn't affect the property, layout and (inaudible.) We talked about snow storage, and Mr Bongiovanni showed you some ideas on how that could be placed. We even talked about the idea of an emergency exit at some point out to Deming. It sounds good, but it is not practical because of the location, coming down the hill is probably more dangerous having it there, and there is always the issue of who is going to maintain it, in the dead of winter, so that is not something that we feel is practical. This has been approved by the Conservation Commission, they received their inland wetland approval at the Conservation Commission meeting last week. The only other comment that I would offer, some of the embellishments that we talked about I believe have been addressed, the idea of the parking came up at the staff meeting and there was one thought, Alan hadn't pursued it or talked about it with his partners, they don't feel that it is feasible, but I'll talk about it. They were trying to get a couple of extra spaces near the town houses, along the side, and I saw for the first time this afternoon the twenty scale plan, and I tend to agree with the way that it is being presented without this extra parking. When you put those extra spaces in at the end, you are left with just a sea of parking, of blacktop and I don't think that is the goal, what we want to see at this project. Reduce the impervious surface yes, but more green space between the buildings, soften this site up is more important than what you gain with a couple extra parking spaces, so having seen this in a more reasonable scale, a twenty scale, I don't see where more parking could be tucked in. I know there was a comment at the tail end of the last meeting about doing something with the town house unit closer to Deming, could that be substituted for a duplex, I don't know how that would grade out, or how that can be done. It would be an economic decision as well as a practical engineering decision and.....

Alan Bongiovanni: I did, we looked at that and one of the biggest problems with that, it is an economic concern, that is not necessarily your concern, it is our concern. When we turn that building, we take away, not only do we lose two units, but we take away the five spaces that are used for any body in this area, so it does limit the parking, I think it makes the situation

less desirable. We think with the changes made to the building design, longer windows, I might add, on these units here, if you look at the building elevations, we would put in the living spaces longer windows rather than more clear story type windows to make these end units more attractive. We think this will look nice. Much more attractive than most side yards of houses you see driving around the town today. We are comfortable with the look of that.

Ed Meehan: Are you going to take these sketches and harden these up so that the Commission will have a record drawing?

Alan Bongiovanni: Absolutely, I mean, that is what we normally do, I mean, these are a work in process. We wanted to present them to you. Prior to the next meeting I'd like to clean up the site plans as well as have the architect put these in a regular architectural scale, on a blueprint so that you will have record.

Chairman Pruet: Commissioner comments?

Commissioner Aieta: You said, I've heard of stamped concrete, I've never heard of stamped asphalt. What color will the stamped asphalt be, black?

Alan Bongiovanni: No, actually it is dyed. It's an epoxy, it's really a neat product and it is used quite frequently. I think the town is actually entertaining it for some of the crosswalk areas in the town center parking lot. That is a brick, brick walk, brick paver, it's done in asphalt. One of the benefits of using asphalt, first of all, it's cheaper, but one of the benefits is that it is the same homogenous pavement. Every time you break material, if you go to paver, or concrete, you have a seam, you have the possibility of water infiltration, freeze and thaw cycles, trip hazards and things like that. When you do this, it is the same continuous surface, you just basically engrave the pattern of the material that you want to replicate and then you put three coats of this epoxy on. I did a lot of research, the epoxy is not permanent. Areas like these, where there really is no traffic probably last as long as the pavement. In the entryway, where you having traveling by all of the vehicles, they say one coat every five to seven years. It could be a couple of hundred dollars worth of work and material to actually refresh that, so it is a very durable product. It preserves the life of the asphalt, it adds about two and a half times the cost of regular pavement but it is an alternative to paver stones or something, it's a little bit cheaper, but it saves some of the durability, some of the maintenance issues with these extra seams. You can dye it all kinds of colors.

Commissioner Aieta: On the duplex units, have you considered doing something with the windows on that unit. I can't conceive of what those little windows are. Why they are so small?

Alan Bongiovanni: They're bedrooms, upstairs they are bedrooms. Part of the theme of this is a craftsman style home, that is the theme and the style in this, I'll let you explain it Ron.

Ron Genesco: Good evening Commission members and Mr. Chairman, my name is Ron Genesco. I'm a former resident of town, I served on this Commission years ago, and was also a member and chairman of the Housing Partnership. It's been a long time since I have been in town and I'm happy to come back with my partner Chris and working with Alan on this new development. I know either Alan or Chris mentioned me as part of the team, but I was at another meeting the last time you guys were here, and so I wanted to say hello and introduce myself, let you know that I'm here to answer any questions and also talk to the specific question about those windows. What we try to do within our product is to orient the bedroom windows and the view from the bedroom to the back of the unit, not the front of the unit. So those small windows that you see there are not actually the bedrooms, those are the

loft area or the bathroom, so in a loft area or a bathroom it is not egress, we don't want a loft to ever become a bedroom, we want a code to drive that, it will not become a third bedroom, it's a two bedroom unit so the bedrooms are oriented to the back, they have full double windows looking at the woods, the buffer, the dry river bed area, so that's, there's two reasons, one is the roof line, and minimizing the view out to the driveway with cars in it, the roadway, the driveway across the street.

Commissioner Aieta: Mr. Chairman, if I could ask one more question, have you considered on these units staggering the entrances so you would eliminate the strip between the driveways similar to what was done at Cobblestone. They have the entrance, the garage door, an entrance, and garage door.

Ron Genesco: So you did it like this....

Commissioner Aieta: Yeah, and then you pick up the green space in the middle.

Alan Bongiovanni: Well, I understand what you are saying. One of the things that we try to do is create more, given the inside space, more window access, more solar access to the building. That is why it is designed the way that it is, so you have more total end units as opposed to putting the garage on one side, the entry, stagger them like Cobblestone is. That wasn't, it's been a fabulous project and it's very attractive but we think this has some different benefits that that doesn't.

Chris Nelson: I can add to that. As you enter this unit, you have a private entrance surrounded by grass, a green area. You are not walking up the side of somebody else's garage and.....

Commissioner Aieta: I understand that, but you also have forty or sixty feet of asphalt, with a strip in between.

Chris Nelson: No, you would have about forty feet. We are designing these for the people who are going to live there and by concentrating those green areas between the buildings, you can put in bigger trees and make it feel much nicer for the people who live there. So this is clearly, we also could have paired the front doors, but then they wouldn't have had private entrances either. We build units that way as well, and in the prototype we designed the private entrances, you can't see it too well here, but these are designed to really bring focus to the front entry as a really nice private entry in each unit.

Alan Bongiovanni: One of the other things too, with these all two unit buildings as opposed to those being four, you had to do something along the lines and that had a lot of grade consideration. We took very great care to make sure that there was no step between this so that you don't have any grade issues in the driveways.

Chairman Pruet: Okay, additional Commissioner comments?

Commissioner Pane: Mr. Chairman, I looked at Cobblestone too, and I think that maybe the applicant should look at a seven or eight foot landscaped area and having those garage doors separated. It's a nice look over at Cobblestone, and I can understand what the applicant is saying, but I think it would be better than having all of that pavement there. I've seen, over at the Fenn Road site, the one foot area between the two driveways, the garage doors, it just doesn't add anything to the complex, so I would ask the applicant to look into that, to see if a seven foot landscaped area and whether or not he could change the doorways and make that possible. Thank you.

Ed Meehan: I just want to mention one thing, we talked about at staff and may be of interest to the Commission, I forgot to mention it. Are there any outside mechanicals associated with these, compressors?

Alan Bongiovanni: We are going to have compressors and the compressor is going to be next to the decks in the back.

Ed Meehan: You are tucking them in the back corner there.

Alan Bongiovanni: Yes.

Ed Meehan: These are what, fifteen, eighteen feet apart?

Alan Bongiovanni: You have a couple in the back that are fifteen apart, they probably average twenty feet apart. You have ample site here, but it's not the intent to put those mechanical units on the side of the building, tuck them in the back, actually if you look at the details, we have attempted to screen those.

Commissioner Pane: A couple of other points. Last meeting Carol had mentioned the fourplexes and whether or not they, she had a few concerns with them and one of the concerns was whether or not they even blend in with the rest of the duplexes. So I think this Commission should look at that, and the one fourplex that is closest to Deming Street, is awfully close to Deming Street. On the other side, where you have some more green space, it would be nicer if we could attempt to do something like that. Also, the Town Planner talked about the houses that are on Deming Street, stepping them one fore and one back, so that there wasn't a straight line of, that you are looking at and then also, can we get architectural designs on the end of the building of the duplexes? So we can see what the end of those are going to look like. I think that is it right now, thank you.

Commissioner Anest: I want to thank you for redesigning the fourplexes, it looks a lot better, but I do agree with Domenic, I do think that end one, if you could even bring that end one to a three, rather than a four and give it some more green space, just so that there is continuity going around. My other concern is the façade, are the colors on the fourplexes going to match the duplexes. Is there going to be flow? It's not going to be like, one is going to be one color and one is going to be.....

Alan Bongiovanni: They are going to be, the fourplex units are going to be one consistent color and these are representative, these colors, whether it is this, or this, this is representative of what we intend to put on for siding for these buildings, each unit is the same color, the entire building is the same color, and then, this color palate in the duplex units.

Commissioner Anest: There doesn't seem to be any kind of continuity, I mean, it's still going to look like, it's not going to.....

Alan Bongiovanni: I'll defer to the experts.....

Commissioner Anest: The architect?

Ron Genesco: Well the architect unfortunately is not here, but I'll try to explain. We tried to pick neutral, warm tone colors. This is not necessarily the same color that is going to be on every unit okay, so we are going to blend appropriate colors as we move forward. I was unaware that this Commission was also going to serve as a design review board, but.....

Commissioner Anest: I was just curious.

Ron Genesco: No, I don't mean that in a negative way. But we didn't come prepared to show each and every color that would be in our palate. We tried to show you kind of a warm gray tone, as one option, a creamy tan as another option. There are sidings that we use that are called natural clay, which is a little deeper tone, an earth tone, so these we plan to blend throughout and Chris and I, what we usually do is when we get there we kind of see how the sun is basically for a certain elevation and we might say, okay, this one needs to be a little darker tone because it is sunny here, this one is in the shadows, so we use a lighter color so that the whole thing blooms together right. So, it's not that all the fourplexes are going to be a warm gray, it's going to be, we are going to vary them appropriately, and as we vary them, so this may be one color, well that's not going to be the same color, you know, we're going to try to mix it up so people have a little more individuality. The other thing too that I just want to comment on, this four unit building. When I started on this, a year ago, or whatever it was, we looked at this and I know that this was explained previously, but there is a slope here and we're using a walk out type unit to manage that slope. This is also a transition from a very intense commercial type operation with a huge parking lot, commercial building, industrial, commercial type uses, so this is to us, a very appropriate use. We're within the side yards and the setbacks, we think this makes a nice transition from this product, so we've got a buffer there, a berm, this drawing, the berm is higher actually than the elevation of the bottom, so we are going to have this berm that we can landscape up, and you know, whether this is a three unit building or a two unit building, if you don't like what you see here, then no building can be there. It would have to be just green space, because whether it is two, three, or four, the side elevation looks like a house to me, and we can mask that with the buffering, we can add some detail.

Chairman Pruet: Additional commissioner comments?

Commissioner Pane: The reason I think that some of the Commissioners had concerns with that fourplex right on the end of Deming is that the fourplex doesn't make a good transition over to the residential where you have, farther down on Deming Road, you have all duplexes, so in all reality that corner building should be a duplex and if it is a duplex you don't need the extra parking so now you are going to pick up some extra green space, you are going to lose a couple of units, but that would be a better transition I think for the residential across the street. You are going to have a nice buffer up on the commercial property, on the top of the hill, but I'm concerned with how close it is to Deming Street. Thank you.

Alan Bongiovanni: If I could Mr. Chairman, to reply to Commissioner Pane's comments. If you recall, at the last hearing, the last presentation, the scale of the size of these buildings, this and this, these are actually a little bit bigger than that footprint, the smaller of the duplexes are equal in size. The scale of the unit, the scale of the building, whether it is a fourplex or a duplex is going to be relatively the same. This is a lesser profile as you are going up and down the street, you are seeing the smallest profile of that building. If I was to turn it in an orientation parallel to the curve, you are going to see a much larger mass. That is one of the things that we looked into. The building itself is about 38 feet from the street line, you have a 35 foot building line, so it is well within the requirement of zoning. We have heavily landscaped the (inaudible) to address that. Because of the contour in this area, if we were to put a regular duplex unit in there, it is still going to be the same three story style unit because we have the grade elevation to change here and if we were to put it in this way, we would have steps in between the unit and we don't believe that is going to be the most desirable unit for the location. We are very, very concerned that this style unit must be kept into this program. We can't rely on one basic unit with a couple of variations in it to carry this project. This is well within zone requirements which we are entitled to by the size of the

project. That's up to 76 units, we are at 60 units. Ed has seen my plans at 74 units, 68 units, 72 units, within the weeks before we actually filed the application, we showed him 64 units, 63, 62 and the final rendition we came down to 60 units. We believe this provides all of the green space that it should have to look appropriate with the scale of the development. We are well within the requirements of both requirements of zoning for this. We're not asking for you to waive anything to allow this to happen. We are asking for you to approve what we believe is a most appropriate development for this area. Don't forget I live across the street, I want this to look good. I want this to be something that I can be proud of and my neighbors can be proud of and maintain the property values in this neighborhood. I would never have gotten involved in this if I didn't think I could help improve the area. I'm trying to keep this from what it could have been.

Chairman Pruett: Thank you. What is the feeling of the Commission on this, the New Business portion.

Commissioner Pane: Well, if he is going to bring more additional information in.

Chairman Pruett: Okay, well we can keep this open for our next meeting, see what happens.

Alan Bongiovanni: Thank you.

Chairman Pruett: Thank you, Alan.

VII. OLD BUSINESS

Chairman Pruett: On Petition 14-10 and 15-10, they are very similar, I think we will read these petitions separately and discuss them together.

- A. PETITION 14-10 Assessor Parcel 16-647 adjacent to 1268 Main Street (south side) Reno Properties, LLC, 170 Pane Road, Newington, CT 06111 applicant, project contact Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111, Harris A. Friedberg owner, request for Zone Map Amendment R-12 to B-TC Business Town Center. Public hearing closed June 23, 2010, sixty-five day decision period ends August 27, 2010.**

Commissioner Hall moved that Petition 14-10 - Assessor Parcel 16-647 adjacent to 1268 Main Street (south side) Reno Properties, LLC, 170 Pane Road, Newington, CT 06111 applicant, project contact Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111, Harris A. Friedberg owner, request for Zone Map Amendment R-12 to B-TC Business Town Center be postponed, after discussion, to the Commission's August 11, 2010 meeting.

The motion was seconded by Commissioner Schatz. The vote was unanimously in favor of the motion, with seven voting YES.

- B. PETITION 15-10 - Assessor Parcel 16-647 adjacent to 1268 Main Street (south side) Reno Properties, LLC, 170 Pane Road, Newington, CT 06111 applicant, project contact Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111, Harris A. Friedberg owner, request for Site Development approval Section 5.3 for construction of 2500 sq. ft. bank. Sixty-five day decision period ends August 27, 2010.**

Commissioner Pane moved that Petition 15-10 – Assessor Parcel 16-647 adjacent to 1268 Main Street (south side) Reno Properties, LLC, 170 Pane Road, Newington, CT 06111 applicant, project contact Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111, Harris A. Friedberg owner, request for Site Development approval Section 5.3 for construction of 2500 sq. ft. bank, be postponed, after discussion, to the Commission's August 11, 2010 meeting.

The motion was seconded by Commissioner Hall. The vote was unanimously in favor of the motion, with seven voting YES.

Chairman Pruett: Okay, Ed, I believe that you have some new information or, for our discussion on these two petitions?

Ed Meehan: Yes Mr. Chairman. At the last meeting there was a general discussion, more global than this particular request for a zone change, about the parameters of the town center area, how it seemed to pass, where we are today as far as the zoning and what some of the history of the town center was as far as land use. So what I have done is put together some information, both historical and current and this is the literature that I am going to be talking to you about, tonight relative to the zone change but again, this is coming from staff so it's much broader actually. I will help, I think, lend some understanding to what the town center is today.

The best way to probably look at this is to go to the very last page, I probably should have put this on top, but this is a page from the 1973 Plan of Conservation and Development and if you can try to orient yourself to the southeast corner of what is the concept area for the town plan and the town center, if you can see Northwood Plaza on this map, and a collector road which is now Lowry. Back then it was in concept stages, it lines up directly opposite of the realigned Bonair Avenue, which has been a long standing desire to get that street jog out of there. I put this in here because, I'm sorry about the scale, I couldn't get it any bigger, if you can see the concept even back in 1973, and this is just a concept plan, the boundary of the south side of the town center from a framing perspective was based on where the water course is, on Main Street, and you can see that little symbol, that is a buffer symbol. So they had Northwood Plaza which was a retail shopping center, the Post Office, and then you had your commercial buildings coming down on the east side of Main Street, so that is back in '73.

The next sheet is the concept plan from the Economic Development Commission Design Study for the Town Center. It specifically focused on Market Square and the municipal parking lot and the façade at the time, but the planning consultant that the town used did this concept plan, and you can see from this map, you can see Northwood Road, again you see the water course area on the east side of Main Street and the idea that there might be some kind of commercial development extending down that far in the way of office concentration on the east side of Main Street.

The next map is 1984 Plan of Conservation and Development, there are two maps here that outline the general boundaries of the town center. In '84 the town center was a much larger area as far as geography. It extended all the way over, through the Children's Hospital property on the east and westward as far as Willard Avenue. In our current town plan, we now call the western part of this developed center area, where we have town hall, the senior center and the library, but again the southern concept plan boundaries for the town center on the east side of Main Street look like it extends south to an area that, you know, the natural boundary of the water course here. Then there is another map from the '84 Plan which shows it.

The aerial photo which is a handout, but also on the wall, shows the present day zoning district boundaries. I've culled out this parcel as a vacant parcel. This is the only, I think I

said this in the public hearing record, so I'm not entering anything new, this is the only vacant parcel that abuts a business town center zone.

Commissioner Aieta: That and the Children's Hospital which is in a different zone.

Ed Meehan: Different zone. It's in the PL Zone. But the distinction with the Children's Hospital piece, it's now Hartford Hospital is that the town Plan of Development does recommend long term growth of the town center eastward on a larger scale into that area.

Commissioner Aieta: So there is no other piece of property that abuts the town center that is a vacant piece of property?

Ed Meehan: Right, so that is something to keep in mind. The last map, this is a study that we did a few years back in preparation of getting ready to apply for economic development grants with the STEEP program and the urban action grants. We looked at the whole center area. The dark purple is your business town center zone, total area of about 45 acres, Keeney is sort of an anomaly in here, historically it is in the Planned Development zone and then that yellow is the vacant lot that has been discussed for the possible zone change area. So you can see that all of the areas around the center are in the R-12 zone, the public land zone except for this location. Some of the planning work that went in back in 73, mentioned Lowry Place. It was actually a concept plan for a government center. Before this building was vacated, and the high school was built on Willard Avenue, we were talking about a town hall over at the end of Lowry, the relocation of Constance Leigh, that used to go up behind where the World of Nutrition is, eastward to the high rise. All this was relocated, all this gridiron pattern was set up back then. The zoning was not adjusted to account for that, that one area, and so this area back here is the RP, represents your high density apartments. So that is sort of the overview, it's not going to go quite as far west as, Center School was the end of the town center zone. So you can see from some of those planning concepts from prior Plans of Conservation and Development, there was some thought on the east side of Main Street that you might want to keep in mind.

Commissioner Pane: Last meeting I had stated that maybe we as a Commission haven't defined the center. After re-reading the minutes and after taking a long look at the town center, I think this Commission and previous Commissions have defined the town center because we have always said as the Town Planner has mentioned that we would expend easterly into the hospital piece of property which is vacant land and I think this property here is special and unique because it is vacant too. I think this will bring an opportunity for us to improve the buffer area between the residential and the town center. We don't have a real buffer right now. If this just went to a residential house we still might not have a buffer. The buffer that they are planning is a full buffer, land space plus plantings and I think this could be a real positive for the town. Also, the building that they are proposing is a small impact. It's compatible with the center because of the compact size. It is sensitive to the adjacent residential neighborhood. They have also accommodated the residents in the area. I don't think there is any other piece that this could come back and haunt us because there are no other vacant pieces. We've always said as a Commission that we really didn't want developed areas, such as residential houses to be torn down to be changed over to our town center. So I don't think we are going to get caught on the other end of the town, or across the street or anywhere else. I think that this Commission can truly say that this piece of property is special and unique and it could become a gateway site to join the center of the town. Maybe the Commission might want to even have a small sign, Welcome to the Center of Newington. I think it is special and unique, and it was a hard one to come to, but I walked through the center of town, and I looked at all the boundaries and I definitely think that this would be an asset to the Town of Newington. Thank you Mr. Chairman.

Chairman Pruet: Thank you. Additional comments from Commissioners?

Commissioner Casasanta: I've given this a lot of thought since the last meeting and there were some very valid concerns regarding encroachment and kind of, where do you draw the line, in the whole town center thing and I agree with Domenic, I think the lines have been drawn, it's clear as to what we want the town center boundary to be. Honestly, in thinking of it in just it's most simplistic sense of what would be the best use for this particular property, I agree with Domenic, I think changing the zone and putting what is being proposed, or something similar to that, in that spot would be the best use of the particular parcel, and since it is vacant, we aren't tearing anything down, that's not what is being proposed, or anything like that, I think what is being proposed is the best use. I would be in favor of supporting it.

Chairman Pruet: Thank you.

Commissioner Aieta: I want to speak to some unique problems that don't lend itself to residential, it has wetlands, it has some drainage type problems on it that a commercial development can actually address. Unfortunately we didn't draw the line back when we did the zoning maps where we would use the brook as the dividing line between the residential and the commercial. That would have been a better buffer to have, the brook as the actual buffer area. As Domenic said, I guess a buffer like this, with the plantings and the footage that we are getting, it actually designates between the commercial and the residential.

Commissioner Anest: I do agree with everybody and I do appreciate the historical view, it shed a lot of light. I agree that this is a very unique piece of property and knowing that it is the only vacant piece surrounding the town center makes me feel a little more comfortable supporting this, with the caveat that we cannot encroach any further into residential in any, north, south, east and west.

Commissioner Pane: One other thing that I forgot about is that, I know that some of the Commissioners were concerned that if what the applicant proposed didn't come in, well, under our regulations they have to come back in, for site plan, and then some of the Commissioners were concerned that it could go to food related. Well, that would be under special exception, and you would have a lot more control over it, so I think that even though they are not sure of what is going to go on that property, I think we have a lot of control of what it is going to look like, and how it is going to be presented to the town in the future if this doesn't come in. My guess is maybe they will approach another bank, or they will have some office in there, but I think that whatever it is it's definitely going to be an improvement of what is there. If a residential house went in there, there's no way, they would have to cut every tree down, they would have to strip the soil, there could be about a foot and a half of top soil in there, they would have to take all that top soil out of there, they would have to fill it with gravel, and then put the proper drainage in there. There is no way a residential house is going to do that and then put in a buffer, and there is no room for a buffer, so I think that changing this over to commercial would be the best thing for this property, it would be, it would add a benefit for the residential neighborhood by adding a buffer and it would be a nice gateway for the town. Thank you. Mr. Chairman.

Commissioner Schatz: My opinion hasn't changed, do I think the neighbors are happy? I don't think so. All of a sudden we are doing a site plan, and the second phase that we were supposed to discuss too, the bank sort of disappeared. If the bank was going in, definitely going in, going forward, maybe I would reconsider my position, but in the world of Commissions and Boards and so on, (inaudible.)

Chairman Pruet: Just to elaborate on that Bob, this is a companion that has to be submitted simultaneously with the site plan and this plan, so I mean, they had a bank in the beginning, Liberty, and that fell through, and now they are submitting it as a prospective bank. If the bank did fall through then they would have to come back and resubmit.

Commissioner Schatz: It's a hell of a way to do business.

Chairman Pruet: I know that, but it goes with the territory.

Commissioner Pane: I was just going to say they can now, if they get this approved, now they can market this out to many other banks, Liberty is not the only bank out there. So I think the applicant understands that the bank use is a nice use, and if he didn't get the bank, he could turn it into a professional office complex and then he would have to come back to us if he was going to take the kiosk out or make changes.

Commissioner Schatz: I understand all of that.

Chairman Pruet: Additional commissioner comments?

Commissioner Lenares: One of the things that I think Commissioner Schatz is talking about and I think that if they came with a specific tenant it might be a little bit more easy to look at this petition, but you have to remember that this board has the power and the authority to approve or deny something that comes up in the future and I think we had mentioned at the last meeting, well, they lost Liberty Bank and as Commissioner Pane said, it does give them the power to maybe promote their site to another bank. And someone had said in the last meeting, well, what if a Dunkin Donuts comes or something that might be harmful to the neighborhood, well this board has, as the Chairman had said, has to have the fortitude in the future to deny an applicant, something that could harm, or encroach upon the privacy of that adjacent neighbor, and you have to remember that, and I think that the neighbors that had come to the meeting, I think two meetings ago, and had met with the petitioner, their concerns were addressed. Some of them were talking about, I think it was the drive through, and they moved that, one of them was the buffer, and they kept it at twenty-five feet as opposed to going to twelve and a half, and the one resident that came and spoke against it for the second time, I'm not sure if he said that he was at the meeting that they had, so the people that kind of spoke up and made their disagreements known, their disagreements were addressed and I have to say that the petitioner kind of did his homework, and addressed the concerns of the neighbors. Maybe they are not all happy, I don't know, but the map that came out, they actually came and I think they supported it, so I would have to say that I think the neighbors are behind this.

Commissioner Schatz: I understand that, but it's not our position as Domenic said a couple of times before on some other applications whether, we are not supposed to consider the money side of any project. It's supposed to be on the application, which is what we are doing, but there's a little underlying tone there that, oh now that we have changed that, it is more marketable, and it's going to be worth more. They're not saying worth more, but it will be.

Chairman Pruet: Just to add to that too Bob, you can consider the tax base and grand list, you can consider a population for school, but it can't be the only thing. We can't base out decisions on a hardship case either, but that is part of the puzzle that we can consider. Any further discussion? This has been a very stimulating portion of our agenda. I'm going to let my remarks stand from previous meetings on this, so I think we are going to follow the petition and leave it for a vote at the next meeting.

C. PETITION 18-10 – 199 Deming Street, golf driving range property, Sphinx Shriners AAONMS 3066 Berlin Turnpike, Newington owners, Alan Bongiovanni 170 Pane Road, Newington, CT applicant request for re-subdivision, PD Zone District. Hearing closed July 14, 2010. Sixty-five day decision period ends September 17, 2010.

Commissioner Camerota moved that Petition 18-10 199 Deming Street, golf driving range property, Sphinx Shriners AAONMS 3066 Berlin Turnpike, Newington owners, Alan Bongiovanni 170 Pane Road, Newington, CT applicant request for re-subdivision, PD Zone District, be postponed to August 11, 2010.

The motion was seconded by Commissioner Anest. The vote was unanimously in favor of the motion, with seven voting YES.

Commissioner Pane moved to add Petition 27-10 to Old Business. The motion was seconded by Commissioner Camerota. The vote was unanimously in favor of the motion, with seven voting YES.

**Petition 27-10
44 Fenn Road
Stop & Shop Plaza
Special Exception – Sign Replacement**

Commissioner Pane moved that Petition 27-10 – 44 Fenn Road, Stop and Shop Plaza, Hayes Kaufman Newington Associates, LLC applicant and owners, contact Richard P. Hayes, Jr. 1481 Pleasant Valley Road, Manchester, CT 06042 request for Special Exception, Section 6.2.4 replace existing pylon sign, PD Zone District be approved the Commission finding:

1. The replace pylon sign complies with the zoning design standards Sections 6.2.3 and 6.2.4.
2. The pylon sign design approval is for “Version F2 5' High Stop & Shop with 6 Tenant Panel” prepared by Artfxsigns, 27 Britton Drive, Bloomfield, CT dated 3-27-2009.
3. The new pylon sign replacement at the Stop & Shop Plaza ill result in the following sign area:

Pylon	200 square feet
Wall Signs	<u>681</u> square feet
	881 square feet
Balance	<u>143</u> square feet unused
Total	1,024 square feet permitted <u>Section 6.2.3</u>

The motion was seconded by Commissioner Casasanta. The vote was unanimously in favor of the motion, with seven voting YES.

Commissioner Aieta: Mr. Chairman, if I may, Dick, could you take a look at the trees again and see if we could retain some of them?

Richard Hayes: Provided they are still standing.

Commissioner Aieta: Maybe if you could trim the lower branches so you could get the visibility of the sign. I would hate to see them just clear cut.

Commissioner Camerota: I just want to say that I think the sign will be a nice improvement to that plaza. The old sign was dated and this will be a nice sign.

VIII. PETITIONS FOR SCHEDULING (TPZ August 11, 2010 and August 25, 2010)

- A. PETITION 28-10 – 72 Pane Road Winners Chapel International, 50 High Street New Britain, CT 06051 applicant, John Melonopoulos c/o Rockland Trust, P.O. Box 427 Rockland, MD 02370 owner, request for Special Exception Section 3.2.1 Place of Worship, PD Zone District. Schedule for August 11, 2010.
- B. PETITION 29-10 – Metropolitan District Commission 50 Murphy Road, Hartford, CT owner and applicant, Mr. Carlos Cruz, Interim Manager Maintenance/Solid Easte, request for Special Exception Section 3.2.2 Public Utility Installation for emergency generator systems at: Carr Avenue, Eagle Drive, Eighth Street, Old Farms Drive, Vexation Hill and Windmill Lane pump stations. Schedule for public hearing August 11, 2010.

Commissioner Aieta: These were on the last time and were just carried over.

Ed Meehan: That's correct.

Commissioner Aieta: You don't have any more information on the church?

Ed Meehan: No, I don't have anything more.

IX. PUBLIC PARTICIPATION
(For items not listed on agenda)

None.

X. REMARKS BY COMMISSIONERS

A. Street Vendor – Food Carts

Ed Meehan: There was a comment, we have discussed this more than once, what is the background of the food vending carts, so I put together a very quick overview. This is controlled by town ordinance under the Peddling and Soliciting Section, Section 3.11 delegates the licensing and the authority to the Chief of Police. That has been in the town ordinances for quite a while.

The history of this goes back, as far as specifically for on-street vending to the seventies when Pete Curry was Town Manager, but in a copy of a memo that I wrote to Keith Chapman in '94, we had just adopted at the Chief of Police's request back then some guidelines on where the food vending could occur and some standards on how they would be restrained as far as public safety and I noted and you can see this in my memo to Keith, I saw some problems and one of them is the one that we have talked about down off of Maselli Road, and we had problems up on Fenn Road. I just culled that out for you, that was 1994. I was suggesting that we prohibit vendors, I've had some experience with them when I was with city plan in Hartford, and it was very difficult around Bushnell Park, very difficult, or increase the fee. We only get \$35.00 now. Increase the fee that so the amount of time involved both from the Health Department, Health District and staff, these businesses aren't paying taxes, they

are in the public right of way, so I was suggesting at the time that the fee be increased. Neither of those were acted on and we still had this note on the map which I think is causing questions now down on Maselli, if anything happened in Newington Fair, we would re-evaluate it. We talked about that going back to last July, a year ago. The reason that I mentioned Town Manager Pete Curry was that back in '83 he had talked to Chief of Police Ganley and sent a memo that he thought zoning should control the regulatory aspects of street vending. I don't think he remembers that Newington had exempted itself from zoning, the public rights were exempt from zoning and secondly under standards, State Statutes, we don't normally zone public streets, and at the time, the Planning Consultant, who was your Town Planner, Bob Donald in '83 wrote this memo saying specifically what I just said and the way that I think to handle this is that the Commission has some suggestions, we can talk about it, I can put it together for you, in a memo and send them onto the Town Manager's office, as something that could be shared and brought to the attention of the Town Council. You have the option of prohibiting them, I think there are two active vendors in town right now, increase the fees, or come up with a series of, I'll call them locational standards to help better control some of the situations that I have seen around town when they were active. We didn't have too many, we had one on Fenn Road, one down on Pascone, we have a gentleman in the town center now, we used to have one on North Mountain road. Our biggest problem was, before we had the standards of location, they would be parking across the street from a legitimate restaurant. So you had a guy who is meeting all of the codes, all of the taxes, and then you have competition at his front door, from a guy who drives up there every day which is probably not fair. And the other thing, not only do we have concerns about food vendors, we often have problems with vendors of products that want to be on the Berlin Turnpike. They want to sell flowers, they want to sell pictures, they have the UConn tee shirts, and it is a problem because they will park right in the street right of way, the public state right of way, and they do cause problems, traffic safety problems. And again, is it fair to other legitimate businesses? So it is something that probably should be worked on and I'm certainly available to help put some thoughts together, and it should be done by town ordinance.

Chairman Pruet: Especially the one that is located on Maselli Road, extension, there. When it was approved there was no Sam's, no Stew Leonards entrance, and I think it addressed that, didn't it, Ed? It was like a cul-de-sac.

Ed Meehan: It was an interior road that was not used to the extent that it is being used today by the heavy truck traffic. Of course, we didn't have L.A. Fitness, we didn't have Sam's and that was noted back in '92 that we would keep our eye on.

Chairman Pruet: I mentioned that to Councilor McBride and he took, he went down there last week and he came back to me and said that he was definitely a safety hazard. He almost got clipped by a truck coming out of there. There was a tractor trailer truck parked, people were out in the street, and he thought it was a safety concern. I asked him to convey that to you and the Town Manager and I hope he did and maybe we can do something as a Commission to look at this and go forward with this.

Commissioner Aieta: Normally these things are on cul-de-sacs or streets that get light traffic, that type of an area, and I had asked Ed, why doesn't he move him across the street to the industrial park, and he said, well, we don't want him there, but why should we have him on Maselli Road, and I'm not criticizing you, I agree, it shouldn't be in the industrial park but it shouldn't be on this street too. The problem with this specific vendor is that he doesn't have a hot dog cart, he has a bus. This thing is an RV. It has a canopy, he parks on the side of the road, takes up half of the travel lane with the cart, then he has a extension on the cart,

some kind of a canopy that sticks out another two feet and he has recently has put up cones in the street to direct the traffic and he also started, during the hotter days, he has chairs now out in the street where his employees can sit and sun themselves when there is no business and the problem also is people pull up there and they pull the wrong way on the street to get their, whatever they are getting, and they are parking directly across the street from it, so now you've taken the travel lane, there is no travel lane, to go down that street, you have to cross the center line to drive on that street. That is a safety hazard. The police have been out there. We've had reports from Officer Guthry, Morgan and Darby. I know Morgan and Guthry reported back to the Chief saying that this was definitely a safety problem, and it should be eliminated. For some reason the Chief is not doing that, or at least trying to fix the situation, move to another site or whatever. Also, the police asked him to turn his truck around and have it at least so the people would be standing on the grass, not in the middle of the road, and the guy refuses to do that. This guy is another operation like Doogie's. It's a real problem, something has to be done, it's not fair to the people who have businesses down there, it's not fair to the traffic and what Ed said is one hundred percent correct, these people are paying \$35.00 fee, they are not paying any taxes, they are taking business away from legitimate businesses that have put the investment into their business and go into a building and do all of the things the right way, and I don't think that this regulation was made to have in mind that size of a cart. This is not a cart, it's a bus.

Commissioner Pane: Question for Frank. Didn't the Town Manager talk to you about this too.

Commissioner Aieta: Yeah, we have been doing this for over a year. I approached the Town Manager and asked him if he would go down and take a look at it, which he did and he reported back to me and he said, Frank, you're right, it's definitely a safety hazard. He said, I'll go talk to the Chief of Police. He went and talked to the Chief of Police, nothing happened. I saw him one day at Carmen Anthony's walking out after he was having lunch and I asked him, I said, what's going on with the Maselli Road thing? He said, well, why don't you find him a new spot? And I just looked at him and said, when the hell did it become Frank Aieta's problem to find a vendor another spot in town? And I just walked away from him because I think that type of an answer from the Town Manager to me was so inappropriate it was ridiculous, and he has dropped the ball on this one hundred percent. If you are not on this guy like every day, complaining to him, he lets stuff just, I don't know what the hell he does. That's good for the record, I hope he reads these things.

Commissioner Pane: Mr. Chairman, when we finish with this, I would like the Town Planner to gather all of the minutes to send with our recommendation. Not only does the Maselli Road property, I hope maybe next meeting everybody can get the memorandum that I have here dated August 28, 2009.

Ed Meehan: The one that I wrote last year?

Commissioner Pane: Yes, with everything in it, and I'll give a copy to Ed so that he can get a copy to you guys, but this has all the locations, all the approved locations and put aside the Maselli Road location, put that aside, does any body here feel that we can put something on Fenn Road?

Commissioner Camerota: I think that was eliminated.

Commissioner Aieta: It was eliminated on the new map that Ed just passed out.

Commissioner Pane: Well, some of the other ones, Pascone Place, you know, that is right on the curve. When they were on Pascone Place they were actually on private property. They weren't on the street, and that is because there is a curve there. I think what we have to do is adjust this and actually make sure that places that we are having them is safe. The problem is, some of these vendors don't want to go to North Mountain Road, or Stamm Road, because it isn't heavily traveled, but that's the way it goes. I would like to see them prohibited possibly too, but I don't know what you would do with the two that we have out there. I think this Commission definitely has to recommend to the Council that the one on Maselli Road, the way that it is, is definitely not safe. It's a safety hazard, and I would like the Town Planner to state again, if he could why he didn't want them in the industrial park, for the record.

Ed Meehan: In the Newington Industrial Park?

Commissioner Pane: That's correct.

Ed Meehan: Well, first of all, the park is restricted by covenants and it's an area where you have cul de sac and traffic coming out, you have numerous businesses up there that have truck traffic throughout the day, and it was never identified for that side of the street in the first place. It was identified on the south side of Pane Road, as an interim location because we knew that someday Newington Fair was going to open. But to have any type of food vending in private circles, Rockwell, Budney Road, is not the atmosphere that the Economic Development Commission wanted in an industrial park. The reasons that some of these locations were proposed and I guess adopted I believe, this was done by a group of people including myself, was that over on Stamm Road and North Mountain Road and Day Street these are industrial areas that, the people who work there, if they wanted to, like the food wagon comes around to construction sites, it would be a convenience for them and they wouldn't have to go to the town center, or they wouldn't have to leave the site, and it wouldn't disrupt the traffic. I feel that, I think they ought to be prohibited myself. I don't know why the town is obligated to provide public space, but be that as it may, that is a decision I think the Town Council needs to talk about. I'm not sure what your recommendation is, and there may be several recommendations that you may want to pass up, but whatever it is, it needs to go up through the Town Manager and then on to the Council. If not in the form of an ordinance to amend Section 3.11 at least some direction to change the locations on this map. This was done as an administrative decision, it doesn't need Town Council approval. That's a very quick thing to do.

Commissioner Aieta: There are other locations for Maselli Drive. He could go to Holmes Road, he could go to Day Street, it's not like they are saying, you can't be in the town. There's other locations, but we feel that Maselli Road is an unsafe location.

Chairman Pruet: If I could just interject, if we feel as a Commission that that location is unsafe perhaps we can draft a letter from this Commission to the Town Manager and to the Mayor, stating that it's our observation and our feelings that it is a safety hazard and should be addressed immediately and then maybe we can work on an ordinance or some kind of consideration to appeal to the Town Council to adjust these locations, so we have a two-pronged thing, if that is how the Commission feels. How does that sound.

Commissioner Camerota: I think that makes sense. I think we should look at all, and Pascone Place, we should be a little concerned I sure when this was developed KinderCare wasn't there, there's more businesses on that road now than before.

Chairman Pruet: Yeah, more traffic.

Commissioner Camerota: So, I think we should look at all of them.

Ed Meehan: Just so I understand, a memo to the Town Manager, immediate action on eliminating Maselli.....

Commissioner Pane: Why don't we finish working on and amend everything that we want on all of the locations and then present that, and then also there are probably some things that you know, if these vendors are going to exist, they shouldn't be standing in the street right of way, okay, with their customers, and maybe the size of them should change for the future, too.

Chairman Pruet: Well, I just wanted to see immediate relief, because I see it myself, several times almost accidents down there, so I think it is an imminent safety hazard on Maselli Road and I think this other one would take a little bit more time, I think we would get immediate relief by a letter.

Commissioner Pane: That's fine and then we could, in that memo you could state to him that we're working at looking at all of the other locations to see what ones are appropriate and what ones aren't appropriate.

Commissioner Aieta: And because the guy is already there, and has been there for a year, we really, I don't know how you address that. I mean, to say to eliminate it from the, if you wanted to eliminate you'd maybe have to grandfather these two people, I don't know, what would you say, you can't be in town any more?

Chairman Pruet: No, we could address it with, increase the fees, for the other one over here on Constance Leigh Drive, but this one here, it's a safety hazard, he's got to go. That's my opinion.

Commissioner Aieta: But there are other locations, not like we're saying, you've got this bus and you've bought the bus and now you can't be in the Town of Newington. There are other locations that he can be in.

Chairman Pruet: And in the meantime, maybe we can work on some specific locations for them to consider.

Commissioner Aieta: That was my charge from the Town Manager, he wanted me to find a location for this guy.

Commissioner Pane: Well, maybe we should outline the area so that he doesn't end up on Pascone Place or something, You know, unless people feel that is safe too, but I don't think it is.

Ed Meehan: The license in Section 3.11.2, License Fee and Duration and Waiver of Fee, runs from December, the last day of December, which was December of 2009, this license shall expire on the last day of December succeeding the date of issuance thereof.

Commissioner Aieta: So in December, you have to reapply?

Ed Meehan: Yes.

Commissioner Pane: But the safety issue has to be taken care of right away.

Chairman Pruett: Is that the pleasure of the Commission, to file that two pronged.....

Commissioner Pane: Should Ed give him some site areas, like Day Street, or Stamm Road or North Mountain Road, as examples of alternatives. Interim locations. Yeah, because the Commission might want to look into prohibiting them, and then present that to the Council.

B. 580 Church Street, Three Angels Church Site Construction Status

Ed Meehan: I'll pass this information out, the status of the 580 Church Street, Three Angels site work, the performance bond. Following the meeting, there are pictures attached to it, I went down on July 15th, we met on July 14th, July 15th, went down and looked at a couple of issues. Of primary concern was the embankment along Church Street, the stabilization and the condition of the silt fence. Since these pictures were taken there was a silt fence installed, it was down for a couple of days, it was supposed to be fixed again this afternoon, I won't say it is the best installation job, there is a way of keying these in, backfill along the inside so they are better anchored, but, these are colored pictures, I can pass these around, the catch of grass on the swale for the detention basin on this slope are good, so there is not a lot of water coming off here right now. As this project moves forward, as the weather cools, and they begin to get back out there, they are going to have to re-grade that swale along the back of the curb, to pitch it toward the basin, and that will keep the water out of the gutter, we don't want any black ice going across the road. That's one issue. I've talked to the Building Committee Chairman, he's acknowledged it, we've had staff down there, both the engineering department and Mr. Hanke from Zoning kind of giving them guidance on this. Relative to the bond, this project has a five year completion date by state statutes, they have to be done by 2013, but they did post the bond of \$44,000.00 and let me give you a caveat on that bond. The reason that that bond was set that way by the town engineer was because at the time, we considered this interim measures just to control site stabilization. Remember the foundation was left open there for about a year and a half, almost two years, so the bond was, and I provided a list of items, safety fencing, tracking mat, erosion control, loam and seed. So that is potentially what the bond covers. Now I have talked again to the Chairman of the Committee and he e-mailed me this afternoon and I said what is your schedule going through this fall? I haven't been down late today, but they were supposed to install concrete curbing.....

Commissioner Aieta: They put the curbs in already.

Ed Meehan: Curbing has to go in, they have to backfill behind the curbing....

Commissioner Pane: Changes the slope then.

Ed Meehan: Yes, the backfill will change the slope....

Commissioner Aieta: So all of the work that they have done to stabilize the slope will be, when they start backfilling the curbing, will destroy what they have already done. This is a reoccurring theme there. They do work, and they do it wrong, they have to come back and do it again, so.....

Ed Meehan: My next comment is that they probably aren't going to do any loam and seeding and backfilling until late August or September when the weather cools and they can stabilize it with vegetation. They also need to do a dumpster enclosure, a privacy fence and plantings and they haven't finished the finish pavement course. Line striping, handicapped signs and so forth. Where I'm going with this is, they may come back, I don't know, I haven't got all the answers yet, in a couple of weeks and ask for a bond reduction. At the time, I'm going to tell

you know, I've pretty much expressed this to the Building Committee Chairman, that a bond reduction is not warranted even though you have done some of this work, like the safety fence, I think this money should be transitioned to the items that you haven't done yet, in other words, hold the \$44,000 through the fall, and let's see how the site is stabilized going into October. They may not put the finished pavement course on until after all the heavy equipment is in and out of the site. That would be the prudent thing to do. That includes your sheet rock trucks going onto the site. Anything on the inside hasn't been done yet. I don't know what the timing of that is. So the bottom line is, to answer the question of what the status is, I think you should keep in mind if you go by there, look at it, hold the money, it's a money market, it's a good bond, it should be enough to do the loam and seed, the backfilling and the stabilization. I doubt if it is going to cover the finished paving course. That is a pretty good size parking lot.

Commissioner Aieta: What about the privacy fence?

Ed Meehan: And probably not the dumpster enclosure and privacy fence, in other words, keep moving these items through so you have that surety until the site is stabilized. They can ask for extension, in fact, they are still on their first bond, they can ask for an extension, it's up to the Commission, on whether you want to grant them an extension ultimately, and report back to the Town Manager. So that's what I had to talk to you about that one. I would like the colored pictures back for the record.

Chairman Pruet: Anyone have any thoughts on this?

Ed can probably give you more information, but Adrienne, the secretary here, her husband passed away unexpectedly last night.

Ed Meehan: Yes, very suddenly so it was a shock to her and her family, we were all upset with that today. I don't have any arrangements yet, hopefully I will catch up with Adrienne tomorrow. Unfortunately, I know that many of you know her from coming in and out, she's been with us for quite a few years. She has backed up the town Planning and Zoning, myself, and the Building Department.

Chairman Pruet: I think we could send a nice presentation from the TPZ. Thank you. Any more staff reports?

Ed Meehan: Can I talk about Doogie's for a minute? I talked to Rock Aronheim, I talked to him Sunday about what was going on, talked to him again today, he e-mailed me a letter explaining his reasoning, why he went forward, the mis-understanding, the lack of communication and so forth. I did not receive his e-mail so I don't have a letter to share with you and he is, he bounces back between Connecticut and New York so he wasn't at his computer where he could e-mail it to me, he said. I said the Commission is very upset that you went ahead with this, in fact I talked to him Sunday morning before he started the event on Sunday, and I said, first you said you were going to withdraw it, but you didn't give me that in writing, so that is why it was necessary for the Commission to take formal action. We just can't leave it hanging. His explanation was that he didn't receive the certified letter until Saturday and the post office was closed, and I said, in any event, you said you were going to withdraw it so I understand if you withdraw something why you would go forward. He said well, I assumed that if I did it inside it wouldn't be a problem. I said, it was still a charitable event, you were c.o.'d for a restaurant, not for this type of an event. So he had some other reasons why he felt he could go forward, that it was a misunderstanding in communication that he will set forth in his letter, so, there are a couple of options that we can take, one would be a strong letter, saying no good, disappointed, no mis-communication and leave it at that. The second one is issue a zoning citation for two days,

Commissioner Casasanta: Can you fine him?

Ed Meehan: Yes.

Commissioner Casasanta: Fine him.

Ed Meehan: If he wants to appeal it, he always has the right to appeal under the citation ordinance. He has I think it's up to ten days to appeal it, he can ask for a hearing before a citation officer.

Chairman Pruet: It was my suggestion that we fine him because it was so flagrant a violation. I sent everybody out an e-mail describing it, and Mike picked it right off, I verified it, not that don't trust Mike, but two sets of eyes are better than one, and Domenic got a hold of Ed, I was out of state, and he did contact him, and he went ahead and did it Sunday too. So this was a flagrant act, he just rebuffed us, and I think a fine is in order, and that is what my recommendation is.

Commissioner Camerota: I don't think he cared about the public safety, I mean, that was a protection for him, he could easily have been.....

Ed Meehan: Okay, we will issue a zoning citation for the 24th and the 25th and we will do everything by the procedure, by the book, and he has, as I say, he has the right to appeal, and he can discuss his side of the story with a hearing officer.

Chairman Pruet: Any other staff report?

Ed Meehan: No.

Commissioner Aieta: Carson's sign is still up, this is the third meeting that we have talked about it. Spin Cycle the signs are still up.

Ed Meehan: I thought Spin Cycle was doing better.

Commissioner Camerota: It is definitely better than it has been.

Commissioner Pane: The three big signs are still up.

Ed Meehan: I was just there, I did a ride around, but I'll go back. I didn't see any signs. Well, I did see one sign, but I couldn't tell if it was on Spin cycle or the next door.....

Commissioner Aieta: Maybe you went too early....

Commissioner Pane: There are two on the building, and then one up really high area....

Ed Meehan: Oh, I thought you were talking about the ground signs.

Commissioner Pane: I want the wall signs down. There's two wall signs and a wall sign up on the top of the building that have to come down, and the storage place next door has got signs up now.

Ed Meehan: That is the one that I think that I saw.

Commissioner Pane: Is the zoning enforcement officer going to this? Is he going to Carson's?

Ed Meehan: I don't know about Carsons, but he has been a frequent flyer at Spin Cycle.

Commissioner Aieta: Okay, the next one, the guard rails on Pane Road, they still didn't fill the holes. There are fifty-five holes that are four feet deep, fifty-five holes where they pulled out the old posts and never filled them.

Commissioner Pane: Excuse me, I don't mean to interrupt you Frank, but please make sure that whoever goes over there, be very careful, because some of them have some twigs and leaves over them, and they are like a trap. They could get caught in there, and they will stay in there for a long time.

Ed Meehan: And more dangerous than the holes are the cars flying up Pane Road.

Commissioner Aieta: Progress Circle, they are still parking on the road.

Ed Meehan: I checked that twice, I saw three cars yesterday, and I didn't see as many as you had described last time, but I'll keep my eye on it.

Commissioner Aieta: Okay. Deming Road.

Ed Meehan: Deming Road was paved yesterday.

Commissioner Aieta: It was paved yesterday?

Ed Meehan: It's a binder. There is still work to be done, and a twenty-two foot sanitary gravity flow sewer, that is why they had to dig it up, but I think the contractor is waiting for CL&P to come back and do one more thing, as a result there is no loop protectors, it's on automatic.

Commissioner Aieta: So on Deming Road, they have eliminated all of the dust and everything else?

Ed Meehan: It's been paved, but there is an area that hasn't been swept yet. One of the turning lanes hadn't been swept as of this morning. The Town Engineer's staff was down there this morning.

Commissioner Aieta: On Pane Road, we approved a machine shop on the S curve. They paved it last week. They put the binder course down, and then immediately put the finished course on, but they didn't grade it right. They have a lot of the water, the thing is pitched to Pane Road and this winter on that S curve, you've got water going into that road, you are going to have a real problem. It's not pitched right.

Commissioner Pane: Isn't it just the apron that is supposed to flow to there, and then the rest is supposed to stay on the property?

Ed Meehan: I would have to check with the Town Engineer, that site had an underground galley system out front.

Commissioner Aieta: Yes, there is a big catch basin in the middle of the parking lot, but it's not, I don't think it's right.

Commissioner Pane: Why is it, before the finished course is getting put on, these properties, why isn't it getting inspected by our inspectors or the Town Engineer?

Ed Meehan: Because we don't inspect private sites.

Commissioner Pane: Well, so then we are going to have problems like what happened between the Public Market site and Rotundo, where the drainage is flowing the wrong way. They have to.....

Ed Meehan: It's not the town's responsibility to go onto private property, with our engineering staff and take over the site and tell them how to do something.

Commissioner Pane: Just tell them how to do it.

Ed Meehan: Then we own the problem.

Commissioner Pane: But wait a minute. They present plans to us, isn't it our job to make sure that it's done per the plans that were brought to us?

Ed Meehan: It's their professional engineer who signs and seals the plans to make sure the job is done right, or the land surveyor who does the grading.

Commissioner Pane: Then we end up with that situation where it is wrong, because nobody is catching these problems.

Ed Meehan: If it's a problem that is causing an issue on the public way, then before they get a c.o. or before they do anything else, they have to correct it, but there is no municipality that I know of.....

Commissioner Pane: I remember years ago, Peter Arbour used to come by after the binder was on, he'd look at the site, yeah, and just review things, okay, he used to do that.

Ed Meehan: On private property?

Commissioner Pane: Yes.

Ed Meehan: I don't think so.

Commissioner Pane: Yes he did. He used to come by and yeah, that looks good and you know, it was done.

Ed Meehan: He might have been setting the bond.....

Commissioner Pane: It just seems like, there is no development going on in town, very little development, but we have all kinds of problems on whatever is being developed.

Ed Meehan: Well, a lot of things are not under the purview of.....

Commissioner Pane: The grading at the church was our purview, to make sure it's graded right.

Ed Meehan: The drainage basin.

Commissioner Pane: What about the swale? That's not our purview?

Ed Meehan: It is, I said before if it is flowing onto Pane Road or Church Street and causing icing problems, it has to be corrected.

Commissioner Pane: Well I just thought it would be nice to catch some of these problems before they become disastrous. So I guess before we okay the c.o.'s on these sites we'll have to check them further, and if they have to rip the pavement out or do something else, then they will have to do it.

Ed Meehan: Yes they will. That's why we get a bond.

Commissioner Hall: I didn't have a chance to look this up, but I got a call this afternoon about somebody who's neighbor owns some kind of a, I don't know, sounds like auto parts or auto something or other, he comes home with a tow truck, leaves it in the driveway overnight, comes back with trucks and trailers that he leaves in his driveway. Do we have any regulations.....

Ed Meehan: Yes. There is a gross vehicle weight....

Commissioner Hall: Should I have him call you. Have him go through your department?

Ed Meehan: Right, because there is a gross vehicle weight.

Commissioner Anest: Couple of things, the signs on Main Street....

Ed Meehan: That gentleman was cited.

Commissioner Anest: Right so now they are not in the right of way, he has now moved them by his tree. One is down, and one is up. So, he did move them but he moved them....

Ed Meehan: Further back in the property.

Commissioner Anest: Right. On the west side of the sidewalk. And then, A & N Nails, on East Cedar, just opened up, there's all kind of lawn signs.

Ed Meehan: A & N Nails?

Commissioner Anest: Yes, it's where Sculptures used to be, not Sculptures, she's got like a bunch, going around the corner onto Constance Leigh, she has signs.

Ed Meehan: Ground signs?

Commissioner Anest: Yes.

Commissioner Pane: Did anybody check the signs at the far end of the turnpike, before the entrance to Wethersfield, the Chinese place?

Ed Meehan: Yes, those are in Wethersfield. The new place that just opened?

Commissioner Pane: I would like the Chairman, if he could if he could write to Wethersfield, the Town of Wethersfield, and see if they have any regulations on controlling them and....

Commissioner Aieta: Ed, you actually looked at the map to see that it was in Wethersfield because I thought the property line, at that point, the town line left Gallichio's property, I thought it went, because my grandfather lived there, his house was in Newington and the rest of his property was in Wethersfield and that is north of....

Ed Meehan: Yeah, the driveway further north, the driveway apron is in Newington, and all of the property is in Wethersfield and I believe that you extend that line south to the next property down, which is the one that we are talking about, we can get a map out there but the next property down is Dave's Bagels, no, Super Club.

Commissioner Anest: Super Club is in Newington.

Commissioner Hall: This is north of it. North of Super Club.

Ed Meehan: The only thing in that piece that you are mentioning that was in Newington was the driveway apron. The building, which was the Torchlight, I guess,

Commissioner Pane: The old Torchlight, that was in Newington?

Ed Meehan: In Wethersfield.

Commissioner Hall: They were going to have a big sports complex, and most of it was in Wethersfield.

Ed Meehan: I'll check it out.

Commissioner Aieta: Yeah, check it out, because the house was south of the Torchlight, and that was in Newington.

Commissioner Pane: I'd like to finish with some of my other things, Mr. Chairman. The light at the intersection of Pane Road and Maselli Road goes blinking at noon time. I think the timing is off or something. Maybe it is supposed to blink at midnight. If we could have that corrected?

Ed Meehan: Is that recent Domenic?

Commissioner Pane: It's been going on for a little while.
On Main Street, Newington, as you are going down Main Street toward the center of town, the residents of Hopkins Village there are dumping grass and leaves in the right of way which I believe is a state right of way. That's as you are entering down Main Street and across from the dump. I would like to see that the Town of Newington clean it all up and notify the residents not to do it any more and get that stretch of the road cleaned up so that it's got a nice, pleasant look to it. It's not nice, the way that it is right now.

Ed Meehan: This is in back of the stockade fence?

Commissioner Pane: Yes it is.
Newington Business Park, Progress Circle, the second building on the left side is a complete blight. I'd like to, for our next meeting get a status report on that, whether or not they are up to date on taxes, whether or not they are complying with other things, what the status of it, because it's disgusting in there and I've had a couple of people in the industrial park ask me why nobody ever does anything about that property. I'd like to know more about it.

Over at Clem Lemire field, behind the football field, there are two sets of bleachers there that are all rusted and all rotted wood on them. They are not being used for seating, but I'm not happy with them sitting there. It's a blight and number two, it's a big safety concern, if some younger kids start playing on them, and they get hurt, we are going to have a problem. If they are garbage, let's have let's have the town highway department cut them up and get rid of them, or if they want to save them, maybe move them to the highway department somewhere and they can refurbish them, but they shouldn't be left there.

Ed Meehan: Let me tell you what I do with this information, because you should know. I have no control over some of this, I don't want to mislead you. I have no control over a lot of the items that you talk to me about. I forward it to the department that is in charge of the bleachers, or the pot holes or the post holes and, we have an e-mail follow up.

Commissioner Pane: Do you e-mail it to the Town Manager?

Ed Meehan: Usually I do it to the department heads or public works.....

Commissioner Pane: So you haven't notified the Town manager about the holes on.....

Ed Meehan: He knows about that, as does the director of the highway.

Commissioner Pane: So what's taking them so long to fill.

Ed Meehan: I can't answer your question.

Commissioner Aieta: He can't answer that. He's doing what he is supposed to do, but they are not doing what they should be doing.

Ed Meehan: I want you to know that the information is being forwarded to the people who have the responsibility and the where about to take care of them.

Commissioner Pane: That's fine, we'll take that off your list, that one if it doesn't get solved next meeting, and we will put it on someone else's list.

Ed Meehan: I don't mind relaying the information.

Commissioner Pane: Well, that's all right, if I relay the information twice to you, and nothing gets done, then I'm going to go somewhere else.

Ed Meehan: Okay.

Commissioner Pane: Okay. I still have more Mr. Chairman. Truck traffic on Church Street. It's not supposed to be, it's supposed to be prohibited. There's truck traffic coming down, south on Church Street, going westerly on Kelsey Street and these eighteen wheelers can't turn there. There's not enough room. They are going up high onto the grass there, and they are having some real close calls there.

Ed Meehan: At the old cemetery?

Commissioner Pane: That's correct. Star Trucking and Buckley Associates are two that I noticed. I would like the town to check the signage on Church Street, and have our police department check for eighteen wheelers and stuff while, let them know that these trucks shouldn't be on that street.

The only other thing that I have Mr. Chairman, I was wondering if someone could give us a update on the Open Space Committee and how they are doing.

Commissioner Anest: We have a meeting on August 19th.

Commissioner Lenares: The meeting tomorrow is cancelled. Lack of a quorum.

Commissioner Pane: Well, that seems to be the general way things have been going on that. You guys have had thirteen meetings, seven of them you've met, six of them you have cancelled because of no quorum. Now it's seven. One of your first meetings, you had a mission statement and I'm sure both of you are aware of it. But it looks like you are going beyond the mission statement. Some of the open space committee looks like they are actually talking to the property owners from what I gather in the minutes and I think that is inappropriate. There is also mention of a memorandum from the Town Manager talking about zoning regulations and stuff. That, I don't know, things don't sound right, I would hope that the two Commissioners that are on that committee are very careful. We also have a Town Planner that is representing that and it's hard for him to represent that, Economic Development and our TPZ. I would extremely be careful on this, and I'm concerned with the, that committee, the chairman taking that out of, he's taking it far beyond what the original mission statement was supposed to cover. Thank you Mr. Chairman.

Commissioner Anest: I just want to comment, and if you read the minutes....

Commissioner Pane: I have.

Commissioner Anest: Dave and I have recused ourselves a number of times.

Commissioner Pane: I noticed that, but the chair.....

Commissioner Anest: And even when they are in executive session, and they start talking about something I ask them to take it out of executive session so that Dave and I can leave and recuse ourselves. So we are very careful of what discussions that we are part of. I want to state that for the record. Regarding the mission statement, we would be more than happy to have you come to our next meeting and open the conversation and you can bring that up to the members who are present.

Commissioner Pane: Just let me read the mission statement: "Recognize the Town Council's desire to increase the amount of protected open space within the borders of Newington. The mission of the open space committee is to identify, evaluate and present to the Council all potential sites to be acquired preserved and/or protected for open space. It's further charges to seek out all potential funding sources to include but not limited to private grants, local, state and federal government monies and other resources which may help this committee fulfill its stated mission. The Commission will also research and consider establishing a land trust for the benefit of preserving open space."

This is pretty simple, okay, and it appears from what I have read in the minutes, of the few meetings that the open space had, the Chairman has taken it far and beyond the mission statement and I think you have to be careful there, and that commission, that open space commission shouldn't be talking about zoning and how it relates to open space at all. Identify open space, do the report and turn it over to the Town Council. I have some concerns about what has been going on over there. Thank you Mr. Chairman.

Commissioner Lenares: Commissioner Pane, in the minutes it says that they were talking about zoning issues because we don't know what happens in executive sessions. We're not there.

Commissioner Anest: If they have executive session, we leave.

Commissioner Lenares: I leave, I don't stay. We leave the meeting, we don't wait till they are over, we leave the building. So, I don't know what they talk about in those things, but I know so far as when we are there as members of this Commission we don't hear any zoning and actually, Carol took the lead in one of the situations where she felt the meeting was kind of going that way, there was some mention and she said, whoa, hold on, we can't be here, I can't be a part of this, he shouldn't be a part of this, we need to recuse ourselves from this meeting, and I don't know what happened after, but as far as Carol is concerned and I'm concerned, we haven't talked about zoning, I'm saying as far as our TPZ membership is concerned.....

Commissioner Pane: I understand that.

Commissioner Lenares: So what they do, I don't know.

Commissioner Pane: Well, you know what, they shouldn't be talking about zoning matters. They are talking about open space, identifying open space, and reporting back to the Town Council. They shouldn't be talking about zoning matters, whether it is you guys, and I know, I've read the minutes, where it is stated that you have stepped out okay, but as far as, I would hope that you would pass it on to them that they shouldn't be talking about zoning matters. Do what you said you were going to outdo in the mission statement and get it back to the Council. They should also, I heard and I read some areas where they actually went to property owners with the Town Council. That is not part of their mission statement. Try to make deals. Things don't look right.

Commissioner Aieta: The way that this was set up, not to go to far with this, but the way that this was set up, I was at the meeting when the Council set up this. Go out, get us some information, bring back to the Council and give us a report. This thing has taken on a life of its own. It's become a major commission in the Town of Newington. They are talking about negotiating with people....

Commissioner Anest: No, they are not negotiating with people. As far as we're concerned.....

Commissioner Pane: The Chairman of that open space has talked about it, meeting with property owners, that's not part of their mission statement.

Ed Meehan: I think the best thing to do, as Carol suggested is to come to a meeting and express some of these issues and viewpoints and get feedback from the Commission itself, because your two representatives, if that is the way it set up, Conservation has a couple of representatives also have definitely as stated, left, not even before talking about zoning, they were just talking about a particular parcel, these members have made a point to leave and recuse themselves. The mission is very broad and they have an inventory of all our vacant unprotected parcels that I have shown them on a map, given them the acreage, the zone that they are in, and given them some environmental information, why they qualify as a good open space parcel, wetlands, steep slopes, or whatever. That is where they are right now. They are not negotiating as a Commission with any property owner. That is not their job. They know that. That is the Town Manager's job to represent and negotiate on behalf of the Town Council. So I don't know if you are getting the wrong view point from the minutes.....

Commissioner Pane: In the beginning of the minutes they were talking about it. In the first few meetings.....

Chairman Pruet: Okay, I think that is good advice, what the Town Planner said concerns regarding the meeting, then get it explained to you.

Commissioner Anest: I know that they are in the process of forming a land trust. We're just waiting to get some feedback from the accountant.

Chairman Pruet: Further remarks?

XI. ADJOURNMENT

Commissioner Schatz moved to adjourn the meeting. The motion was seconded by Commissioner Casasanta. The meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary